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THE GIFT OF
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MARGARET HIGGINSON BARNEY

M. T. CICERO DE ORATORE:

OR, HIS

THREE DIALOGUES

UPON THE

CHARACTER AND QUALIFICATIONS

OF AN

ORATOR.

TRANSLATED INTO ENGLISH,

WITH NOTES HISTORICAL AND EXPLANATORY,

AND AN

INTRODUCTORY PREFACE.

BY WILLIAM GUTHRIE, Esq.

A NEW EDITION,

WITH ADDITIONS AND CORRECTIONS.

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PREFACE.

THE character and qualifications of an Orator are so well, and so fully handled in the following work, that it would be the height of presumption to say any thing further on these heads. Our author himself has rested his reputation upon the merits and execution of this performance, and all that is left for a translator is to endeavour that his original may not be disgraced by the copy, and that the friends of Cicero may not blush at the mean appearance he makes in a modern language. But it is impossible with any propriety to introduce my great author to the public in the following translation, without at the same time acquainting the world with the *motives*, I had almost said, with the *necessity*, of the present undertaking.

Men of learning are divided with regard to the merit of translations in general; I shall not pretend to decide upon either side; but I will venture to say, that if the present taste in learning should gain ground, this nation will soon have no other means left of being acquainted with the *good sense* of the ancients, but through translations. It is upon this footing only that I will justify the translation of a prose author; and I may appeal to every gentleman who converses abroad in the world, to every gentleman who has had any opportunities of being acquainted with the present *trade* of education, if, in this island, we are not in danger of losing not only the beauties, but even the meaning of those ancients, whose works are yet untranslated. While I say this, I am far from condemning the method of education that is now gone into. I am sensible as this is a trading nation, that the education

which most tends to qualify young gentlemen to support the interest of their country, which undoubtedly lies in commerce, is most to be pursued; but at the same time the nature of our government and constitution demands that gentlemen of property be conversant in other studies; and though there is not in this nation perhaps the same *public demand* for the knowledge and practice of the art, which is the immediate subject of these sheets, as there was in old Rome, yet I will venture to affirm, that in no age, and in no country, since the days of Cicero, they have been more useful and more necessary than in the present.

Looking upon this undertaking in that light, we shall find that it claims all the attention that is due to a *public concern;* and though a few of the many who may have occasion to practise the excellent rules laid down by our author, may understand, nay, be pleased with, them in the original, yet their importance and usefulness must in a great degree have been lost to the world, without the medium of a modern language. I am sorry to observe further, that for wanting that medium they have been in a great measure lost hitherto, and that they who are acquainted with the original, and shall take the trouble to read my author, even in the disguise, and under the disadvantages of a translation, will enter into all the sources of those amazing effects of eloquence which he has often *felt*, and perhaps *practised*, without being sensible of the cause to which they were owing.

Learning therefore may be called the *auxiliary of good sense*, and all learning that has not this in view is a pursuit unworthy the *care*, and below the *attention* of *reason*. *Good sense* may subsist without *learning*, but then its aim is more uncertain, and its effects more

irregular than when it has the assistance of the examples, the sentiments and the precepts of the greatest men of former ages. If we carry this observation further, we find that as the learning which has not the improvement of *good sense* ultimately in view is *childish*, so the *good sense* which has not *virtue* for its end, is *dangerous*. It was owing to the conviction of this great maxim that the Romans arose to such a height of power under many disadvantages of their constitution. It was this maxim that directed them to engraft *arts* upon *government*, and by that means each communicated strength and vigour to the other, till the loss of their *virtue* proved the ruin of both. Arts did indeed survive liberty, but their duration was but faint, and they but too frequently proved destructive to their possessors.

Let us now apply this observation to my author. He lived in a state where the radical power was in the people, and the people communicated dignity to every other branch of government. The genius of their constitution on the other hand inclined to *monarchy*; and the people, with the most embittered aversion to the *name*, were perpetually leaning to the *thing*. It was owing, more than once, to the senate and their magistrates, that they did not relapse into regal power; their own demands had ultimately this tendency; for the extremes of democracy border more nearly than any other form of government to the beginnings of tyranny. The wiser among the senate saw this, and eloquence was the only means of stemming, or rather diverting, the torrent of popular passions. This was the foundation of the great esteem which *eloquence* had always under the *republican* government of Rome; no other engine could have been applied with equal success. The people had found by the effects of their *secessions*

from the senate, that though the balance of *property* was in favour of the senate and nobility, yet that *power* could command *property*. *Good sense* directed them to find out this *truth*, a *truth* which after-ages and governments have affected to keep as a secret; and every people who are sensible of it will be able to retain their liberties. In short, if we consider the history of Rome through all the struggles between the *people* and the *senate*, we find it no other than a struggle between *property* which was vested in the *senate*, and *power* which lay in the *people*. The *acquisitions* obtained by the *people* were wrested from the *senate*, upon the great principle of the *safety of the people being the first law in government*, and that no *positive institution* could take place or stand in the way of this great principle. Upon this *principle* they succeeded; but their success brought them to the brink of ruin: it is easy to raise a *spirit* in a people, but to know where to fix the proper bounds of that spirit is difficult. The passions of a people, though right and virtuous, may be corrupted by the private views of artful men; and it is commonly found that the people never reflect they have gone too far till they find the *lengths* they have gone are *irretrievable*.

Things were drawing to this crisis when our author appeared upon the *stage of life;* and nothing can give the reader so high an *idea* of the power of that *eloquence*, which is so well described in the following *Conferences*, as by reflecting that for some time it was capable of *balancing the contending parties of the Roman state;* and had such a command over the passions of the people, as to keep the *fate of the republic for some time in suspense*. But though it was perhaps happy for Rome that our author lived at that particular juncture, yet it was unhappy for himself. Had he lived an age

sooner than he did, and been endowed with the same temper and abilities, he might have saved his country from the miseries that afterwards befel her: had he on the other hand begun to live at the period when he fell, he might have passed his days in a splendour, dignity, and ease more agreeable to his own cast of mind; and though he could not have recovered the liberty of Rome, yet he might have found the means of making her chains sit lighter than they afterwards did. To prove the first of these propositions, one needs but to reflect upon the fate of the Gracchi, and the consequences with which their ruin was attended. Both of them had great abilities, great qualities, great eloquence, and, so far as we are at liberty to judge from history, *honest intentions*. The people of Rome had never seen men of eloquence equal to theirs, espouse their interests. Eloquence till that time was always *monopolized*, it was an *arcanum imperii, an instrument of government* in the hands of the senate. The senate used all precautions to keep it in this tract, and, as I observed before, was the only engine that diverted the tide of popular passion, and weakened it so as not to beat too high upon their order and possession of their own authority. The Gracchi broke the enchantment, nay turned the artillery of the senate against itself. I shall not enter into the dispute at present, which were in the right—it is foreign to my purpose. I will however venture to say, that though the Gracchi fell in the struggle, yet they left several valuable legacies to the liberty of their country. These must have prolonged the duration of the Roman state, had not the faction by which the Gracchi fell set a fatal precedent to teach succeeding times, by melancholy experience, that when the sword is drawn by a government under the plea of necessity, the same

sword will one time or other be successfully employed for subverting the government itself.

The *necessities* of the *people* justify an alteration of any *positive act of government;* but the *necessities of government* never can justify the weakening the *security which the people have either from their lives or properties.* The death of the Gracchi introduced a set of maxims till that time unknown in Rome; the life of Cicero was spent in a continual struggle, on the one hand with the designs of artful men, who had cloaked their own ambition with the specious pretext of the people's good, and on the other hand with the exercise of power vested in men, who by means of that pretext proved too powerful for the constitution. A tenderness for the safety of Roman citizens was the *living spirit* of the Roman laws; this tenderness was shocked by the death of the Gracchi; and the fates of the conspirators in the case of Catiline, though warranted by the strongest *circumstances of necessity,* served as a handle for driving our author into exile, and heightening his punishment with several aggravating marks of severity and ignominy.

The interlocutors of the following Conferences were principal actors in those scenes of deep distress that preceded our author's appearance in *public life. Their* conduct was the model of *his; their* principles were adopted, and their learning improved by *him.* This work is the memorial of their virtues and abilities; and Cicero has preserved a scrupulous *propriety* in representing their several characters. I shall not anticipate my reader's pleasure by prefixing any account of them in this Preface; I will only add, that they are such as may be met with in the present age, and such as resemble those which may be found in our own country.

After what I have observed upon the importance of eloquence in the Roman republic, the reader will not be surprised that our author has, in their own persons, brought in men of the greatest dignity in the state, as canvassing the subtilties and niceties of this art, and that in a manner which has ever since been confined to schools and academies. But we are to look upon eloquence in the days of our author as a *political accomplishment.* The *lessons* here delivered are *lessons of government* as well as *of eloquence;* and the *practice* here recommended, is a practice in the art of civil polity; an art by which the passions of the greatest people that every existed were kept within the bounds of moderation, and the interests of the greatest empire that ever was founded were directed.

Having thus taken a short view of the importance of the art which is the subject of the following sheets, as it was practised in the great exigencies of the Roman government in the times of the republic, and endeavoured to give my reader a slight idea of the circumstances that concurred to render it so necessary, I come now to consider it as practised at the bar, when cases of private property were depending.

The possession of private property in old Rome was perhaps more precarious than it was in any state we read of; it depended so totally upon the judge, and *power* came to be so much engrossed by men of eloquence, that the man who was the advocate for property was its guardian, and generally either wholly, or in part, came in the end to inherit it. Hence it came that the term they used to signify a *counsel,* or an *advocate* was a *patron;* and it is from them, that to this day parties at law are called *clients.* Thus *superiority* and *dependency* were the consequences of being an *advocate* and a *party* at law; and that advocate

looked upon himself as having a right, not to a fee, but to the whole, or a part of that property which he recovered or defended. The reader may judge from this what prodigious advantages the practice of eloquence gave to the citizens of Rome; and how almost impossible it was, unless a man rose by arms, to get either *power*, *reputation*, or *riches*, but by means of this art.

As to the effect which eloquence had in the decision of cases as to *life* or *death*, these but seldom happened. *Capital* cases did not, as now, always affect the life of the party, but every case that affected his *liberty* or *reputation* was *capital*. By the Roman laws this was often the consequence of civil actions; and, therefore, I shall make no other remark upon the use that eloquence was of under this head, than that all that I have said upon the former is applicable to this, and exists *a fortiori*.

I come now to consider the relation in which the art here treated of stands to our own country and constitution, and, in order to do this the more regularly, I shall pursue the same review I have made of the Roman state, but without taking the same liberties in reflecting upon either the principles or the execution of our government.

In England any man who knows the least of our laws and constitution, may perceive that every act of the legislature, every enacting measure that binds either the whole, or a part of the public, and every decision upon the life or the liberty of a subject must pass through an assembly of the people, either in their representative, incorporate, or collective capacity. There is no man who is endowed with a share of property, without any legal disqualification, who may not some time be a member of either the one or the

other, and he is then a member of an assembly, in which the art of speaking, the art of reasoning, and that of judging, becomes absolutely necessary.

The highest assembly of the commons we know of in this country is an assembly in which every measure, and every decision is subjected to free and impartial debate. In *subordinate* assemblies no man is precluded from delivering his sentiments with freedom upon every measure under their deliberation; and the man who speaks well, if he does not always meet with *success*, is sure never to miss of *applause*. But, in order to succeed, natural abilities require the assistance of art: and though the knowledge of the art will never qualify a man for a speaker without a fund of good sense, yet good sense joined to art is of infinitely greater weight and efficacy than when it stands by itself, unassisted and unattended by art.

It is ridiculous to imagine that art imposes any fetters upon genius; so far from it, that she *assists* and reason *directs* it. It is owing to the study of eloquence being reduced to cramped and crabbed systems, that from being a useful *art* in *government*, it is become a pedantic *jargon* in *schools*. But the reason why it has *now* degenerated from its noble and generous station in the arts, is connected with the reason why the greatest part of mankind, who are not savages, are slaves. In free countries, such as old Rome once was, and ours is now, *eloquence* had objects worthy all her *powers*, and all her *charms*. She had then to operate upon the passions, the reason, and the sentiments of a people; but when *tyranny* abolished *liberty* those objects no longer existed; they were contracted into the will, the ambition, the whim, the caprice, or the vanity of a single man; of one who perhaps by the meanest, and most scandalous means, rose to be judge and master

of the lives, the liberties, and properties of his fellow subjects. Such an object was unworthy the attention, unworthy the powers, of eloquence; her force, which used to govern the passions of thousands, which used to spread a contagious tenderness through assemblies of the bravest people upon earth, must now be checked, it must be supplied, it must dwindle into *adulation*, it must creep in the strain which this person loves, and for which alone he has any feeling. In a free state the passions are *strong*, under *tyranny* they must appear *languid*. The preserving this *appearance* of *languor* render them *at last* what they only seemed to be *before*. *Eloquence* by this means loses her noblest object; she labours to raise the dead, or the insensible, she loses both her powers and their effects; and from being a *manly study* degenerates into a *servile accomplishment*.

It is therefore, only from the precepts and practice of those who lived under free states, that we can expect to know the virtues and beauties of this divine art. But of all the free states we know or read of, that of Rome was supported by the most general passion for the public good; the virtues that made her great, were radical in her constitution, inseparable from the idea of her government, and subsisted for some time after the spirit of liberty was extinguished. This may seem a paradox; it may seem romantic; but our reflecting upon one circumstance of the Roman polity will clear it up.

The passions of the Romans for their country led them not to be confined to the study of arms, or the immediate arts of government, in order to make her great and powerful. They found the means of drawing the whole circle of the arts within their favourite system of *public good*. None stood single and by itself, they all were connected with, they all terminated in,

the *public*. None were valued as possessed in speculation; and all were despised that did not tend to enhance the glory or power of their country. Poetry, the most bewitching of all arts, was valued only as it had an influence upon the morals of mankind; the poetry that touched the tender passions was almost unknown in Rome, till the beams of a court had melted their virtue, and softened their affections to take any impression which the art of the poet was pleased to bestow. *Architecture* did not then, as afterwards, employ all the magnificence of order, and the grace of harmony upon the buildings of private persons; their public buildings, their temples, their roads, their aqueducts, and other works of public utility; such works as might be compatible with the dignity of their empire, were erected and embellished by this art. *Sculpture* was employed in adorning the places of public meeting, and exhibited to the views of the people the representations of personages whose virtues rendered them the most worthy objects of their imitation. I might run on to exemplify this observation in other arts: I shall now confine myself to that which is the subject of my present undertaking.

In the following sheets the reader will easily perceive how much our author despises eloquence considered as detached from the purposes of civil life, and what a contemptible idea he raises of its speculative professors. No merit, no learning, no genius in this way, though ever so great, could rescue the possessors from contempt, unless they were in a capacity to apply their talents to the service of the public. Even the condition of slavery was but seldom relieved by the most consummate merit in this art, since that condition disqualified the person from applying it to the service of Rome.

It was no wonder then if a government, which acquired so many accessions of strength and dignity from the arts, should rise to a greater pitch of power and majesty than other states which were deprived of these advantages. This is a character in which the Roman polity differed from all other states; even Greece was defective in this point. Her people had an exquisite sensibility, and were too apt to be bewitched by the charms of the arts, detached from civil uses. This enchantment made them indulge a passion for retirement and leisure; and hence it was that they honoured the speculative and the sedentary. Since the revival of learning in later ages, this mighty, this important secret, has not been found out, at least has not been attended to. To this inattention it is owing, that, even in our own country, some princes who have been the greatest patrons of liberty have neglected or despised the patronage of the arts; while others have but too successfully employed them in lulling mankind asleep, and enchanting the world, while they were prosecuting and executing the most pernicious designs against public liberty.

As history is the great instructor of public life, we may hope to see a time when this excellency of the Roman government shall be added to many others in which Great Britain either equals or excels the Romans themselves. With regard to the art which we are now considering, this is not only *practicable*, but may be *necessary*. For though a particular taste in particular arts may prevail in most countries, yet eloquence being founded on reason, which is every where the same, and operating upon the passions of mankind, which differ only in their degrees of strength and weakness, its precepts are universal and eternal. Our author in laying down the rules contained in the fol-

lowing work derived advantages from helps ... jects, of which we in this country and age are deprived. His genius was so comprehensive that he exhausted his subject, so that all that has since appeared on this head are not improvements, but comments upon these excellent Conferences. It is from them that each separate species of eloquence has been derived; the rules contained in them are equally applicable to the practice of the senate, the bar, or the pulpit; they are equally fit for the *many* or the *few*: they teach how to *reason* as well as how to *move*, and to *affect* the *head*, as well as to *touch* the *heart*. They are so far from being impracticable, that every man of sense who speaks in public practises them in a greater or a less degree, and they are not founded upon any *hypothesis*, but reduced into a system from the repeated and unvarying experience of their effects. In short, though they are adapted to the use of mankind in general, yet they are most useful to the people, who, of all mankind, in their government and enjoyment of their civil rights and liberties, have the nearest resemblance to the people, for whose use they were most immediately intended.

I shall only add, while I am upon this subject, that the following pages are adapted not only for the use of a speaker, but for that of a hearer. They are fitted to enable one to judge as well as to speak. It is through them that the *mist* vanishes, that the *glare* disappears which *rhetoric* knows how to throw upon *truth* and *reason*. It is from the precepts contained here that we can trace causes from their effects; it is by them alone that we can fortify our *affections* against the *enchantment of words*, and the artful *attacks of eloquence*. Through them we can be pleased without being deceived, and in one sense they contain the whole art of imposing upon others without being imposed upon ourselves.

We are, therefore, to consider our Orator as a workman, who, knowing the powers of matter and mechanism, finished several machines which produced surprising and unaccountable effects; and this performance as an analysis, or explanation of these properties, and that disposition by which all this amazing power was exerted. We may consider him in another light —in that of a statesman, and this, as his political confession, laying open all the art which kept the vessel of government so long from oversetting, after it had been abandoned by the wisest and most skilful of its pilots.

As to my own performance in the following work, I rest its merit entirely upon the judgment of the public. My motives for attempting it before I went further in the translation of his other works, were, because it is a key to unfold the beauties that lie unobserved in the Orations. It was with this view, next to that of the public service, that our author composed this work; and the English reader will, after reading it, enter with double pleasure upon the Orations.

M. TULLIUS CICERO

ON THE

CHARACTER OF AN ORATOR.

THE FIRST CONFERENCE.

CHAP. I.

After a repeated view, and recollection of past events, my dear brother, to me, those men seem to have been placed in the most eligible situation, who under a sound government,* in the fulness of honour and enjoyment of glory, could either act up to their public character with safety, or descend to retirement with dignity. And indeed there was a time in which I too thought, that if the multiplicity of my labours at the bar, and the toils of ambition into which I was led,† after running through the public honours, had rested towards my decline of life, scarce any one could have thought it unreasonable, that I should have then begun to taste some relief, and to dedicate my abilities to those amiable studies in which we are both of us engaged. But those pleasing hopes and schemes were

* *Sound government*]—The Latin has it *optima republica*, by which Cicero means a constitution without any innovations from *corruption* or *power*; the sentiment here is worthy a Roman patriot, who had seen the constitution of his country subverted by a concurrence of both; and we may observe he insinuates that no honour could be employed with satisfaction to the possessor, if it was not attended with public liberty.

† There is here in the original an allusion to the chariot races, which being frequent and familiar to the Romans, were extremely beautiful in that age, but such a metaphor would appear lifeless and insipid, if we should pretend to adopt it exactly in a translation.

defeated by public calamity, and our private misfortunes:* for in the very place which bade fairest to afford shelter in case of a storm, the chief weight of misfortune fell, and the strongest tempest broke forth.† This blasted my most earnest hopes, and most passionate desires of improving the sweets of retirement by an amicable intercourse in cultivating those arts to which our early youth was dedicated. For on my setting out in life I lighted upon the very wrecks of our ancient constitution; in my consulate I dropped into the hurry and peril of all public concerns, and all my intermediate time since has been spent in buffeting the billows,‡ which, after I had repelled from my country, recoiled upon myself. Yet amidst all the difficulties and dangers of doubtful conjunctures, still my bias is to learning, and all the leisure which the malice of my enemies, the causes of my friends, or the concerns of my country allow me, will I dedicate to writing. Besides, my dear brother, I shall ever pay§ the greatest deference to your entreaties and

* Any person who is ever so little acquainted with the Roman history must be sensible that Cicero entered upon life just at the period when the Roman liberty began to receive those blows that afterwards subverted it, and in which he himself was a deep sharer.

† This possibly alludes to his fine seats, which upon his banishment were sold and demolished by the interest and fury of Clodius and his party.

‡ *The billows*]—It is plain, that the enemies of Cicero would have found it difficult to have affected him legally, had it not been for the incautious part which he appears to have acted in the Catilinarian conspiracy in putting the friends of Catiline to death; a conduct, which though he conceived to be warranted by necessity, was by no means agreeable to the principles of the Roman government.

§ *Ever pay*]—One cannot help observing with what art Cicero reconciles good manners to affection, and admiring a friendship so disinterested, yet so delicate, so full at once of respect and love. There are few passages that I would sooner venture to recommend to a reader than this, since it is certain, that the decay of the passion of friendship among the moderns is in a great measure owing to that fulsome freedom, and want of delicacy, which prevails among friends, and which often renders the strictest connexions nauseous and cold. The avoiding this I am convinced was the true secret that produced such instances of exalted friendship among the ancients.

requests; for there is no man alive for whom I have either greater regard or greater affection.

CHAP. II.

AND here I must recall to my memory a conference* that passed many years ago, which I own I do not exactly recollect; but in my opinion directly answering what you want to be informed of, as to the sentiments which the greatest and most eminent orators entertained of eloquence in general. For you have often told me, that you wanted I should give you somewhat more finished and complete on that head, according to the improvement I have acquired by pleading in so many, and so important causes; because the hasty notes we marked down, when we were young men, in our memorandum-books, appear unworthy of my experience and character. And sometimes you used to differ from me in our conversation upon those points, because I maintain, that eloquence comprehends the arts of the most sagacious men in the world, while you imagine, that it ought to be treated as quite distinct from the elegance of study, and rested entirely upon natural genius, joined to a certain perfection of practice. I own indeed I have been frequently at a loss to account, upon a review of the greatest and ablest men, why fewer have been distinguished in eloquence than in any other art.† For to whatever point of science you direct your view and reflection, you shall find many excelling in every kind, not only

* *A conference*]—So much has been said by our best writers in commendation of the manner of treating a subject by dialogue, that it is needless to insist upon its uses here, any further than to observe, that this subject particularly required to be treated in this manner; since Cicero thereby avoided that dogmatical air which his treating this subject must otherwise have given him.

† I am sorry to observe, that this remark of our author has in it very little solidity, though it is excellently well calculated for displaying his eloquence. Besides, great part of what he afterwards says is the common cant of all writers upon the arts they excel in, or want to recommend, and our author has, by varying the expression a little, recommended philosophy, as attended with the same excellencies he ascribes to eloquence here. Vid. Qu. Tusc. lib. v. §. 5.

of the middling arts, but of those which require almost the greatest compass of genius. For is there that man alive, who, were he to form his idea of public merit by great actions and useful consequences, would not prefer the character of a general to that of an orator? yet will any man deny, that in this single city innumerable instances of consummate generals, and but few, very few of accomplished orators may be produced?* Nay further, in our own, in our fathers', in our forefathers' days, many have appeared with wisdom and abilities equal to all the government and direction of a state, while for a long time no good orators appeared; and upon the whole, we scarcely find for so many ages as many tolerable speakers. But lest it should be said, that eloquence ought rather to be compared with those other professions that are contained within the comprehensive circle of refined arts and various sciences, than with the glory of a general, or the politics of a patriot senator, let the person who makes this objection review those very arts; let him survey those who have made a figure in them; then may he easily form a judgment how many have been distinguished by those, and how few ever have been, or ever can be, by eloquence.

CHAP. III.

For you have surely observed, that what is termed by the Greeks PHILOSOPHY is thought by the most

* *Few good orators*]—Suetonius, or whoever wrote the lives of famous orators, accounts for this in a way that it is probable Cicero by no means thought for the honour of his country; for, we are told there, the Roman government was so jealous of the effects of oratory, that neither it, nor grammar were suffered to be taught in Rome; and that under the consulate of Fannius Strabo and Vallerius Messala, who by the by were consuls ninety-eight years before our author, all philosophers and orators were expelled Rome by a decree of the senate. And indeed such a conduct was extremely agreeable to the maxims of a government which by that time had reason to be jealous of the effect which eloquence might produce upon the minds of a people impatient of living under a severe aristocracy, and watchful of every opportunity to shake off, or at least lessen, their dependance on the senate. The experience of after-ages proved that this jealousy was but too well founded.

learned men to be, as it were, the *mother* and *parent* of the fine arts; and it is hard to say how many, how learned, how universally learned men in their several professions have appeared in this science; men, who have not confined themselves to a single province of learning, but either by an indefatigable pursuit of first principles,* or the clearness of their reasoning, have mastered the whole compass of science. We all know how dark, how perplexed, how complicated, and how subtle the study is of, what we call, the MATHEMATICS; yet so many great men have appeared in this art, that it seems as if no man had ever set about to attain it in good earnest, and did not carry his point. Was there ever a musician,† was there ever a professor of what we term the study of grammar, who by intense

* *First principles*]—The terms here used by our author are extremely expressive in the Latin, but cannot bear a translation into English. *Pervestigationi Scientiæ* can only signify reasoning from effects to first causes, the noblest philosophy, known to the ancients, and but little attended to among the moderns, who, till lately, for many ages were bewildered in the jargon of favourite systems.

† *A musician*]—As no opinion upon our author can have equal weight with that of Quintilian, whose institutes are indeed the superstructure of that foundation which Cicero has so well laid down in this treatise, I shall take the liberty to transcribe into English a passage or two from him, which proves what opinion the ancients had of music:—"Every one knows, that in former "ages this art was not only studied but adored, and its professors "were esteemed prophets and sages. Were not Orpheus and "Linus (to name no more) *believed to be* descended of the gods? "And it is told of the first of these, that he not only quieted and "charmed the passions of men, and the fury of wild beasts, but "even made the very stones and woods dance after him by the "power of his music. Timagenes says, that music is the most "ancient of all arts. The most famous poets are likewise of the "same opinion, for they introduce musicians at the feasts of "kings singing the praises of the gods and heroes. Thus in "Virgil, Jopas is singing *errantem Lunam, Solisque labores*, by "which that admirable poet asserts, that music is even joined "with the knowledge of divine things."

But these are only a part of the lavish praises he bestows on music. Soon after he says:—"Hitherto I have been only speak-"ing in praise of music, but have not shewn its connexion with "oratory; I shall now proceed and shew, that among the ancients "grammar and music were always joined together. Thus Ar-"chytas and Aristoxenus were of opinion that grammar was "subject to music, and tell us, that both were taught by one "master, &c." *Inst.* lib. i. cap. 8.

application did not master the almost boundless power and subject of their several arts. I must at the same time take notice, that in the circle of liberal arts and sciences we find fewer eminent in poetry than any other profession: yet small* as the number of good

* *Yet small*]—Though I very much doubt of this fact, yet admitting it to be true, it may I think be easily accounted for. Eloquence is an art, of which there is not one species that can be universally adapted to all places, ages, and governments: for instance, the species that prevailed in Greece was different from what prevailed at Rome, *(see the Preface to the Orations,)* that kind which Cicero used was different from that used by Pliny; the eloquence of the French is different from that of the English, and that of the Italians different from both. Whereas the language of great actions in a hero, of harmony in a musician, of genius in a poet, or proportion in a mathematician, is a language understood at all times, by every people, and in all ages; it is a language not depending, as success in oratory does, upon the form of a government, the manners of a people, or the caprice of a judge, but founded on principles, and to be examined only by truth.

But what accounts still better for this observation of our author is, that the true source of perfection in eloquence is emulation. If at a bar of any supreme judicature nobody should appear but those who neglect the ornaments of discourse, a man with equal knowledge of the laws, and very little application to the study of eloquence, may be the best pleader at such a bar, and yet not a good orator; therefore in reality, good orators have only appeared in ages when emulation prompted them to study; when several great men applying to the same art, each endeavoured to outvie another, till one by his success and popularity eclipsed the glory of the rest, and that happy man in after times was looked upon as the only orator, and engrossed the palm of eloquence to himself. Nothing can better illustrate this observation than the fate of those orators who lived in the time of Cicero, who are now known only in his writings.

If it is objected, that poets are subjected to the same disadvantages, I answer; they are, when their case is that of orators, viz. when by the nature of their study they are led into an emulation of each other; for then the fame of the most excellent will swallow up that of the rest; and though the Roman empire in the Augustan age was crowded with poets of all kinds, yet the works of none have come to our hands, but those that in their own age were allowed to excel: but it is possible for two or three poets to live in the same age, and yet not clash with one another. Horace had no jealousy of Virgil; both excelled in a different way, and therefore both have been transmitted to posterity: whereas the others who attempted epic and lyric poetry in that age, and who were *longo proximi intervallo*, have been distanced by time, and shut out of the career of fame. A great deal more might be said on this subject, perhaps I should not

poets is, (and it must be allowed to be very small) if you shall take the trouble to enumerate those who have appeared both in Greece and in our own country, you will find upon the comparison that there have been more good poets than good orators. This appears still more surprising, because the knowledge of other arts is commonly acquired from dark and abstruse fountains, but eloquence consists in the most obvious principles, the knowledge of common life, and in the habits and conversation of mankind. In other arts, he who excels is the man who strikes deepest into a road the most distant from the knowledge, the most impervious to the capacity, of the ignorant: whereas in eloquence, the most dreadful blunder that can be committed is to deviate into abstruse expressions, and out of the beaten tract of *common sense*.

CHAP. IV.

It cannot even be pretended, that more people apply to the study of the other arts, that they are animated in their pursuit by more exquisite sensations of pleasure, by fairer prospects, or more inviting rewards. Not to mention Greece, which has ever claimed the palm of oratory, or Athens, that nursery of all learning, where eloquence had its rise and perfection, I will venture to say, that in this very city, no study has ever been cultivated with more intenseness than has that of eloquence. For, after we had acquired and settled the government of the world, and begun from the continuance of tranquillity to relish repose, there was scarcely a young man who had a passion for glory, who did not think it his duty to apply himself to eloquence with all the faculties he possessed. At first indeed, when they were ignorant of all method,* and

have said so much, were it not that Cicero appears in this passage to be very partial in favour of his beloved art. Upon the whole, we may venture to say, that this paradox of our author may be accounted for by the circumstances attending the profession of ancient eloquence, rather than any extraordinary compass of learning, and difficulty that attends the study itself.

* *All method*]—The reader may now perceive, that in Cicero's opinion there is a great difference betwixt a *well-spoken man* and

void of all notions of the energy or principles of the art, they owed all their progress, such as it was, to genius and application. But afterwards, when our countrymen heard the Greek orators, when they begun to taste their learning, and attend their lessons, they burned with an amazing, an irresistible passion for eloquence. The importance and variety of the art, with the multiplicity of the causes of every kind, was a spur to their adding repeated practice, which avails more than all the precepts in the world, to the theory which they had attained by study. At that time likewise, as now, the greatest rewards were annexed to the profession of this art, with regard to popularity, interest, and honour; and the capacities of Romans,* as we may judge from many other instances, were far superior to those of the rest of mankind. All this being considered, have we not reason to be surprised, that in so large a tract of time, so many opportunities, and such a variety of states, the number of *good* orators should be so inconsiderable? But the truth is, that in this art there is somewhat more, and it must

an *orator*. I own that I conceive a very high opinion of the eloquence of those brave Romans who must have spoken good sense and manly sentiments, before eloquence became an art, and in some measure a trade. Quintilian however has admirably well explained this point:—"Do not even the bees extract that "fragrant taste which honey alone can impart to human sense, "from very different flowers and juices? Is there any wonder "that eloquence (which is the greatest gift heaven has given to "men) requires many arts to perfect it? and though they do not "all appear in an oration, or seem to be of any use, they never-"theless afford an inward supply of strength, and are silently "felt in the mind; *without these a man may be eloquent, but I "want to form an orator;* and none can be said to have all the "requisites, while the smallest thing is wanting." *Inst. Orat.* lib. i. cap. 7.

* *Capacities of Romans*]—This is so very wide of what Cicero himself knew to be the truth, that I am apt to think that he meant it ironically. Had he indeed lived some years later, he might have had some shadow of a pretence to have disputed the prize of excellency in eloquence and poetry with Greece in favour of Rome; but it is impossible he could be serious in what he says here. Architecture, eloquence, painting, music, mathematics, were arts in his time unknown to Rome, otherwise than as they were imported from Greece, who long before had brought them to the highest perfection. In short, he speaks here with a more than poetical licence, for Virgil has given up the point.

be attained by an acquaintance with more arts and sciences than mankind generally imagine.

CHAP. V.

For what other cause can be assigned for this scarcity of good orators, where the students are so numerous, the teachers so many, their capacities so excellent, the cases so various, and the prizes so inviting, but to the amazing difficulty and extensiveness of the thing? For there must be a fund of universal knowledge, without which the greatest volubility of speaking will appear empty and ridiculous. Words must not only be well chosen, but properly disposed; and the speaker must have a thorough knowledge of all the affections which nature has implanted in the soul of man, because it demands the whole energy and power of speaking to awaken and to sooth the passions of an audience. Add to this, that the art requires a certain pleasantry of wit and humour, such learning as suits a gentleman, a quickness and smartness in attacking and replying, together with an insinuating address and a delicate politeness. The orator must likewise possess a perfect knowledge of antiquity, and the application of precedents, and be conversant in the laws both of nations and of particular states.* Why need I to mention *action* itself, which must be regulated by the motion of the body, the gesture, the look, joined to the justness of accent and command of voice? Of how much importance this is in itself, even so slight an art as is that of acting on a theatre demonstrates: for though the whole excellency of players consists in adjusting their looks, their features and gesture, does not every body know that few of them ever were, or can be endured with patience? Need I to mention memory, that trea-

* Orig. *Legum aut juris civilis*]—By the first he means the laws of nations which were the foundations of general society. But the *jus civile* was appropriated to the citizens of Rome. A passage in our author de Officiis, lib. iii. cap. 17. explains this difference, *Quod civile non idem continuo Gentium, quod autem Gentium idem civile esse debet.* See the translation of de Officiis, and note, p. 188.

sury of all knowledge; which, unless it becomes the repository of all thoughts and inventions, let an orator possess all other qualifications even in the highest perfection, they can be of no use?

Let us therefore be no longer surprised, that there are so few orators, since eloquence consists in a variety of accomplishments, any one of which it is a very difficult task to attain; and let us rather advise our children, and those whom we wish to see make a figure in the public stations of life, to reflect maturely upon the importance of the thing, and not to imagine that it can be attained by those precepts and masters, or that kind of exercise which they all practise, but by other means.

CHAP. VI.

NAY, in my opinion, no man can deserve the praise of an accomplished orator, without a perfect knowledge of all the arts, and every thing that is great: for it is from this acquaintance with the world that eloquence must receive its flow and its embellishments. Without this, let a subject be ever so well considered and understood by an orator, there will be still somewhat poor, and almost childish in his expression; yet I am far from laying such a burden upon orators, especially those of this city, amidst such a hurry of business and multiplicity of affairs, as to require that they should be ignorant of nothing. Though indeed the energy of eloquence, and the profession of true oratory seems to undertake and promise, that an orator should be able to treat every subject that shall fall in his way elegantly and copiously. But as I do not doubt that, to most people, this will appear too unwieldy and extensive; and as I perceive that the Greeks, who possessed not only genius and learning, but ease and leisure for study, made a kind of division of the arts: that one man did not grasp at the whole circle, but set apart from every other species of speaking that which was more immediately adapted to pleading and debates at the bar; allotting that alone as the province of an orator; therefore, in these pages, I shall only treat of those properties, which upon mature deliberation, and

a long discussion, are almost universally allotted to this single species of eloquence. For this purpose, I shall not repeat any string of precepts which we learned when we were children at school, and just come from under the nurse's care; no, I mean to give you the arguments which I heard formerly urged in a debate among some friends, men of the greatest eloquence and eminence in Rome. Not that I despise the principles which the Greek professors and teachers of eloquence have left us; but since they are well known, and in every body's hands, and impossible to receive any ornament or explanation from my interpretation, you will pardon me, my dear brother, if, in my opinion, the authority of such of our own countrymen as all Rome allows to be finished orators, is to be preferred to that of the Greeks.*

CHAP. VII.

I REMEMBER I was told, that when the consul Philip was carrying on his furious attack upon the nobility,† while the tribuneship of Drusus, who made head in favour of the senate's authority appeared quite distressed and crushed, Lucius Crassus, as the Roman

* *Preferred to the Greeks*]—I am afraid this is not levelled so much at the Greek method of teaching oratory as at the Greek eloquence, which in itself was more simple, uniform, and natural than the Roman, and consequently did not require all the auxiliaries which Cicero demands in an orator.

† It is worth while to take a short view of the propriety and beauty with which Cicero introduces his drama in the three great dramatic circumstances, time, place, and characters: the time, when the cause of the nobility was on the point of being ruined by an overbearing consul, who ought to have been their patron and defender: the scene is Tusculanum, at a small distance from Rome, and the most beautiful retreat in the world: the persons, Crassus, Antonius, Scævola; the first two the greatest orators, and the last one of the greatest lawyers, of their age; Cotta and Sulpicius, two young gentlemen of the most promising appearances and great quality, assisted at the conferences. Cicero, as some learned men observe, introduced those great personages as bearing their parts in this drama, that he might wipe off the imputation of eloquence being taught at Rome by men of no quality or consideration in the state. We shall only observe further, that Cicero puts his own sentiments with regard to eloquence in the mouth of Crassus.

plays were celebrating, retired to Tusculanum, in order to recruit his spirits; and that Quintus Mucius, who had been his father-in-law, with Marcus Antonius, the companion of Crassus in his public conduct, and his particular friend in private, were of the party. Two young gentlemen, intimate companions of Drusus, of the most promising appearances, in the eyes of men of the greatest experience at that time, to fill the highest posts in the government, went likewise along with Crassus; the one Caius Cotta, who then stood for the tribuneship of the commons; the other P. Sulpicius, who, it was thought, would be the next candidate for the same office. This company, the first day, had a great deal of discourse concerning the danger of the times, and the state of the government, which had been the occasion of their meeting in that place, and their conversation lasted till day was almost gone. Cotta used to relate, that during this conversation, a number of things were mentioned with a melancholy concern by those three consular persons, in so prophetic a spirit, that there was not a single calamity that afterwards happened to the state, which they did not foresee to be hanging over it at that distance of time. But this conversation being over, that, such was the politeness of Crassus, when they went to sup, none of the melancholy air that mixed in their late discourse appeared; so pleasant was his turn, and he knew how to direct his humour so happily, that though the day appeared to be spent in a senate, yet at night they found themselves round the social board at Tusculanum. Next day, after the old gentlemen had sufficiently reposed, continued Cotta, they went, all of them, out a walking, when Scævola, after two or three turns, why Crassus, said he, do not we imitate Socrates in Plato's Phædrus? I am put in mind of this by this plane-tree of yours, which to me appears by its spreading boughs as proper for shading this place, as was that which Socrates used to frequent; and which, in my opinion, flourished not so much by the rivulet which fed it, as by the lines of Plato which described it; if therefore he with his hard feet reposed upon the grass, where he delivered those sentiments

which philosophers ascribe to a spirit of divinity, sure there is more reason that my tender feet should be indulged in the same way. Right, said Crassus, but you shall sit more conveniently, and then he called for cushions, and so all of them sat down upon the benches under the plane-tree.

CHAP. VIII.

COTTA used further to tell me, that in order to wear off the impressions which their last day's conversation had made upon their minds, Crassus turned the discourse upon the study of eloquence; that he introduced what he had to say by observing, that Sulpicius and Cotta did not appear so much to require instruction as praise; since they had already attained to such a degree of perfection, as not only to excel those of equal age, but to rival speakers of more experience and years: nor indeed, continued he, can I conceive any thing more excellent than to be able by eloquence to captivate the affections, charm the understandings, and direct or restrain the passions of whole assemblies, as you please. This single art has, amongst every free people, especially in peaceful settled governments, met with the greatest encouragement, and been attended with the most powerful efficacy: for what can be more surprising, than that, amidst an infinite multitude, one man should appear, who shall be the only, or almost the only, man who can do what nature has put in every man's power? Or can any thing impart so exquisite pleasure to the ears and understanding, as a speech to which sentiments give dignity, and expression embellishment? Is there any thing so commanding, so grand, as that the eloquence of one man should direct the inclinations of the people, the consciences of judges, and the majesty of senates? Nay further, can aught be esteemed so royal, so generous, so public-spirited, as to relieve the suppliant, to rear the prostrate, to communicate happiness, to avert danger, and to save a fellow citizen from exile?* Can any thing be so necessary as to have

* The original is *retinere homines in civitate*, see Oration for

always ready those arms, which at the same time can defend yourself, attack the profligate, or redress your own affronts? But come—do not let us ever dwell upon the forum, the benches, the rostra, and the senate; can any thing in retirement from business be more entertaining, more endearingly social, than a language agreeable and polished on every subject? For this is the characteristic of our nature, to distinguish us from brutes, that we have a social intercourse with one another, and are able to convey our ideas by language. Must not every man then be struck with this, and own that to excel mankind themselves in that quality which gives them the preference to brutes, ought to be his favourite study? But that I may mention the chief point of all, what other power could have been of sufficient efficacy, either to collect the dispersed individuals of mankind from all quarters into one place, or to bring them from savage barbarous life to a social regulated intercourse; or, after states were founded, to mark out laws, forms, and constitutions for their government? Let me in one word sum up this almost boundless subject; I lay it down as a maxim, that upon the prudence and abilities of an accomplished orator, not only his own dignity, but the welfare of vast numbers of individuals, nay of the whole government rests. Therefore, my young gentlemen, go on; ply the study you have in hand, for your own honour, the advantage of your friends, and the service of your country.

CHAP. IX.

SAYS Scævola, in his pleasant way, in many things I agree with Crassus; far be it from me to impair the credit and honour of the profession of either my father-in-law Lælius, or my son-in-law Crassus; but, my friend, it is with some difficulty that I can admit two things you have advanced. The first is, that states were originally constituted, and have been often pre-

Milo, §. 3. where he applies the same expression to his circumstances. The Romans were very delicate with regard to mentioning punishments, especially those that were capital, and if possible softened the terms.

served by orators; the other is, that setting aside the forum, the public assemblies, the courts of justice and the senate-house, you supposed an orator to be accomplished in every kind of eloquence, and all the duties of society. Will any man pretend, that when mankind in early ages were dispersed over mountains and woods, they were not compelled to associate by the counsels of the sage, but that the harangues of orators softened them into humanity, and brought them to live within towns and walls? Or, indeed, that the other wise regulations, either in founding or preserving states, were owing to the eloquent and fine-spoken, and not to the brave and the wise? Do you indeed imagine Romulus* assembled his shepherds and mixed multitude, executed the scheme of the Sabine marriages, and repelled the power of the neighbouring states by his eloquence, and not by his foresight and wisdom? Nay further, what do you say of Numa Pompilius, what of Servius Tullius, what of our other kings, who made many wise regulations in settling this state, is there the least trace remaining of their eloquence? Nay, when monarchy was abolished, which I will venture to say was accomplished by the resolution, and not the eloquence, of L. Brutus;† do not we perceive that all the great things performed afterwards, were full of wise conduct, but void of all eloquence? If I had a mind to dip into precedents in our own history, and in that of other states, I could undertake to point out more instances in which men of the greatest eloquence have been prejudicial, than all that can be brought of their having been serviceable, to their country. But not to mention other instances, the two most eloquent men I ever heard, except,

* *Romulus*]—Every body who is in the least acquainted with the Roman history knows that of this father of the Roman state; we may only by the by observe, that the affairs of the infancy of their city were not looked upon as fabulous in Cicero's days, whatever they have been since.

† *L. Brutus*]—Though this great man was no orator, yet if we may believe Livy he was a very eloquent person. There is however great reason to be of Scævola's sentiments here, for it is probable that the fine speeches put in the mouths of his heroes are all owing to the fruitful vein of the historian.

Crassus, you and my friend, in my opinion were Tiberius and C. Sempronii,* whose father was a wise, grave man, but far from eloquent; and upon several occasions, especially when Censor, did the most important services to his country; yet this man transferred the sons of freed-men into the city tribes, not by any flow of eloquence, but by his very nod and a single word;† which, unless he had effected, we should not have enjoyed even that shadow of the constitution which we at present possess. But his eloquent sons, formed to the art of speaking by all the advantages of nature and learning, though they entered upon a government glorious both by the conduct of their father, and the courage of our ancestors, brought their country to the verge of ruin by their eloquence, which, according to you, is the noble directress of all constitutions.

CHAP. X.

FURTHER, need I to mention the old statutes and customs of our ancestors? Or the auspices over which you and I, Crassus, preside, to the great service of our country? Need I to mention our rites and ceremonies? or that jurisprudence that has been, without the aid of eloquence, long in our family; was that invented, was it known, was it ever so much as touched upon by the tribe of speakers? Let me add, that I knew Servius Galba who spoke like a god, Marcus Æmilius Porcina, and Cn. Carbo himself, whom you, when but a very young man, vanquished; each of whom was ignorant of our constitution, a blunderer in the practice of our ancestors, and but a novice in the civil law; and even the present age is ignorant of the laws of the twelve tables, excepting you, Crassus, who, led by curiosity rather than any province annexed

* *Tiberius and C. Sempronii*]—Our author means the celebrated T. and C. Gracchi, whose great abilities, integrity, and eloquence have not had the good fortune to be transmitted to posterity in that favourable light, which to any person, who can without prejudice reflect upon the true maxims of Roman liberty, they must appear in.

† *Transferred, &c.*]—This had been before effected with regard to four city tribes, and it was an excellent expedient to balance the ambition of the people.

to eloquence, studied the civil law under me, though I may sometimes be ashamed to say so. As to the liberty you assumed in the latter part of your speech, as if an orator could never be at a loss to bear a very considerable share in discussing every argument that may fall in his way, were we not upon your own territories I should not suffer it, but put myself at the head of a numerous body, who would certainly either bring an action* against you, or seize you as an interloper† upon a province you have nothing to do with. For in the first place, the disciples of Pythagoras and Democritus would fall upon you; and the other philosophers in their several ways; and men of great weight and dignity would go to law with you, and, in that case, you must have a very unequal chance‡ for success. Besides, whole troops of philosophers from the school of their master Socrates would press you, by urging that you had never studied; nay, that you had not even attempted to inquire about what is morally good or bad in life; the passions of the mind, or the end of living; and after they had thus attacked you in a body, you must then battle it with each particular sect amongst them. The academics§ would oppose you, and deny that you knew one single proposition you advanced. My friends‖ the stoics would entangle you in the snares of their questionary debates. The peripatetics would

* *An action*]—The original is *interdicto tecum contenderet*, which is, that they would bring the pretor's decree against him.

† *Seize you as an interloper*]—There is another civil law term here; *manum conserere* was the form of challenging property; the person saying at the same time *meum est*.

‡ *Unequal chance*]—Orig. *justo sacramento contendere non liceret*. *Contendere sacramento* was when both parties put a sum of money into the hands of the priest; upon the decision of the cause the loser to forfeit his deposit to sacred uses, and the other to have his returned. *Justum sacramentum* was when the case was so doubtful it was hard to say who would be gainer.

§ *Academics*]—They were generally sceptics, and used to puzzle their antagonists by denying every thing, but that they knew nothing.

‖ *The stoics and peripatecians*]—To describe these two sects of philosophers would take up more room than can be spared in these notes. There is an excellent account of them in Stanley's lives of the philosophers.

quite confound you, by insisting that those very qualifications, which you think to be the character and beauty of eloquence, can only be found amongst them; and they would prove that Aristotle and Theophrastus wrote not only better, but more upon that subject than all the professors of eloquence that ever lived. I will not mention your mathematicians, your grammarians, your musicians, whose arts have no manner of connexion with the qualities you require in an orator. Therefore, my friend, we ought not to entertain so many chimerical notions of the extensiveness and importance of this art; what you are able to effect, in reality, is a great deal, that whatever cause you shall undertake to plead always carries the greatest face of right and justice; that in all public assemblies and debates the decision is very much influenced by your eloquence. In short, that men of sense allow you to be eloquent, and fools think you are in the right. If you can do more than this, in my opinion it is not owing to any qualifications indispensable in an orator, but to the advantages you enjoy from nature.

CHAP. XI.

I KNOW, Scævola, replied the other, that the Greeks used to talk and dispute in this manner: for I have heard some of the greatest men of that age, when I came, as questor, from Macedon to Athens, it being then pretended that their academy was in its glory, under the inspection of Charmades,* Clitomachus, and Æschines. Metrodorus likewise was there, who, together with them, had been the constant hearer of the famous Carneades, who was said to be the keenest and most copious speaker in the world. Mnesarchus was then in vogue, and the hearer of your tutor Panætius, together with the peripatetics Critolaus and Diodorus. Besides these, a great many famous and able philosophers at that time unanimously were for

* We are obliged to the learned Dr. Pearce for rectifying this name, which in former editions stood Carneades.

deposing the orator* from the government of states, and excluding him from all knowledge of the higher scenes of life, degrading and pinning him down to hard labour in courts of justice and petty cabals. But I neither agreed with them, nor with Plato himself, the inventor of those opinions, and by far their superior, as to the power and weight of eloquence. I was then reading his Gorgias with Charmades at Athens; a book in which I could not help admiring the author, who in ridiculing orators appears to be a complete orator himself. For disputes about words have long puzzled your little Greek fellows, who are much fonder of wrangling than of the truth. But though one lays down as a principle, that an orator ought only to be qualified to speak fully on any point in equity, in trials, before the people, or in a senate; yet admitting this, the qualifications of an orator must necessarily be great and various; for even in treating those matters with accuracy and clearness, he must be possessed of great experience in civil affairs, with an insight into our statutes, customs, and laws; he must likewise be a competent judge of human nature and manners; and the man who is master of all these, without which even the smallest point that occurs cannot be rightly maintained, what can such a man be said to want in the knowledge of the most important affairs? But admitting that all the energy of eloquence consists in its being neat, embellished, and copious, let me ask you how even these characters can be attained without that kind of knowledge which you deny to it? For the efficacy of eloquence can never appear but

* *The orator*]—In a state such as was that of Rome, the qualifications of an orator only could be attained by a regular course of application to that single study; but I believe any man of tolerable sense must see that such an orator must be somewhat ridiculous in the present age, and be looked upon as a pedant. It is true, there is a certain species of the ancient eloquence still required, and no doubt has a very great effect, but the art of the speaker then will consist in his concealing his art. But as to the chief point in which a good speaker in Britain shines, which is that of debating, it is plain from many instances of the greatest men, that a speaker may excel without either study or application to the art of eloquence.

where the orator is a complete master of the subject. Therefore if Democritus, the famous natural philosopher, spoke so gracefully as it is said, and as I admit he did, his subject indeed was natural philosophy, but it was the art of an orator* that gave the embellishment to his discourse. And if Plato, as I must allow, discoursed divinely upon points the most distant from political altercations; if Aristotle, if Theophrastus, if Carneades spoke well and beautifully in the several subjects they disputed on; those subjects belonged to distinct arts: yet their method of handling them was peculiar and appropriated to the study now under our consideration and debate. As a proof of that, we know that others have spoken jejunely and drily upon those very points; for instance Chrysippus, who is said to be a man of the greatest penetration: and yet was not the less complete philosopher for not possessing this faculty, in an art foreign to eloquence.

CHAP. XII.

WHERE then lies the difference, or how can you discern the flowing and copious eloquence of those I have named from the poorness of such as are destitute of this command and propriety of expression? In short, there is one thing which the masters of the art of speaking bring as peculiar to themselves; a style graceful, ornamented, and distinguished by certain masterly touches, and an artful polish. Yet all this beauty of language, if the subject itself is not thoroughly understood and comprehended by the speaker, must be either empty or ridiculous: for what can look more like a madman than to pour out an empty jingle of words, let them be ever so beautiful or well chosen, if they are connected by no method or meaning? Therefore, in any art and branch of science, if an orator should

* *The art of an orator*]—Cicero would never have advanced this proposition had it not been from the excessive passion he had for his own profession, since nothing is more plain from daily experience, that a clear head and a comprehensive knowledge of a subject will make almost any man eloquent, though he should never read a word upon the art of an orator.

study a point, be it what it will, with as much application as he would a client's cause, he would deliver himself with more propriety and elegance* than even the inventor and artist himself could be able to do. For if one should affirm that certain maxims and causes are peculiar to orators, and that their knowledge of some points is confined within the rails of a forum, I will own indeed that those of our profession are most conversant in such matters, but upon those very heads there are many things which your professors of rhetoric neither teach nor understand. For who does not know that the greatest power of eloquence consists in awakening the soul to anger, to hatred, to grief; or to recall her from these affections to gentleness and pity? This arbitrary command of the passions can never be effected, but by one who has a thorough insight into the nature of mankind, the whole extent of his faculties, and those motives which impel or check the soul. Yet all this appears to be the province of philosophy, and, were an orator to be counselled by me, he would never deny this; but after he has granted them this knowledge, which is the sole end of their study, let him assume to himself the method of treating it, without which the knowledge itself cannot exist. For, as I have said, the province of an orator is to talk in a language that is proper, graceful, and suited to the affections and understandings of mankind.

CHAP. XIII.

I own that Aristotle and Theophrastus have treated of those matters; but take care, Scævola, that this does not make for me. For I do not borrow from

* *Propriety and elegance*]—This in one sense may be true, but if we regard the ends of speaking, which are to move and persuade, we shall find that the true way to succeed is *to feel*. A man who is himself deeply interested in an event will, with equal capacity and no study, make greater impressions before a judging assembly than another with all the application and art of an orator that Cicero was ever able to lay down. The reader will perceive that I all along take it for granted, that Cicero, in the person of Crassus, gives us his own sentiments.

them what is in common to philosophy and eloquence; but they own that all their disputations upon these points belong to orators. For this reason, they title and call their other books under the denomination of the several arts they treat of, but they range these under the head of rhetoric. Therefore when, as it very often happens in the course of a work, they come to speak of the immortal gods, of piety, of concord, of equity, of friendship, of the laws of state, of nature, of nations, of temperance, of magnanimity; in short, of all other virtues, the academies and the schools of philosophers bawl out, all to a man, that all these subjects belong to them, and no way to the orator. I shall not deny them the liberty of disputing about all these things in every corner, in order to pass away a little time; yet I affirm and assert, that the orator only can, with perspicuity and elegance, explain those very points about which the others wrangle in a dry, spiritless manner. I then talked over those things with those very philosophers at Athens, being obliged to it by our friend M. Marcellus, who was then a very young man prodigiously devoted to these studies, now Curule Ædile, and were it not for the plays he is now celebrating he would have made one of our company. But now, as to forming laws, as to war, peace, alliances, tributaries, as to the disposition and subordination of civil polity; let the Greeks say, if they will, that Lycurgus or Solon, though by the by I look upon them as orators, were much better skilled in them than Hyperides or Demosthenes, those accomplished masters of the art of speaking; or let them prefer our decemvirs who compiled the twelve tables, who certainly were men of sagacity, to Servius Galba, or your father-in-law, Caius Lælius, whom all the world owns to be eminent speakers. For I will never deny that there are certain arts peculiar to those who have made it their whole study and pursuit, but I call him a full and complete orator, who can speak with a copiousness of expression on every subject.

CHAP. XIV.

For, very often, in those causes which all the world allow to be the province of orators, there is somewhat to be cleared up or laid down, not from the practice of the bar, which is the only knowledge you allow to orators, but from some more abstruse science. Let me ask you if a man can plead either for or against a general without knowing military affairs, and often without being acquainted with the situation of maritime and inland countries? Can he speak before the people either for enacting or forbidding a law? or can he talk of civil polity in general in a senate, without the deepest insight and sagacity with regard to civil affairs? or can he apply that predominant effect of eloquence in inflaming or extinguishing the affections and emotions of the soul, without attentively surveying all those causes which are explained by those who have treated on moral and natural philosophy? I do not know if there is any occasion for me to prove this, I am, however, under no difficulty of speaking as I think. The knowledge of physics, mathematics, and of the other arts, which you, some time ago, laid down as appropriated to their several professions, belong to those who profess them; but if a man wants to explain those very arts, he is obliged to have recourse to eloquence. For admitting that the famous Philo the architect, who built the arsenal* at Athens, gave the people a very eloquent account of his work; yet we must not suppose that this was owing to the art of architecture, but of eloquence. Nor, if Antonius here were to plead upon naval affairs for Hermodorus;† after he had made himself master of his subject, can we imagine that he would not be able to talk of it with perspicuity and elegance, though a profession foreign to his own? Or that Asclepiades, who was both my friend and physician, and is more eloquent

* *The arsenal*]—Pliny (lib. vii.) speaks of this arsenal, and tells us that it was so commodious, and so large, that 1000 ships might have been drawn up to it, and might have lain dry, without being exposed to the injuries of the weather or the seas.

† *Hermodorus*]—He was a famous ship carpenter.

than any other of that faculty, was indebted for his graceful way of speaking to the study, not of eloquence, but of physic. Therefore, that which Socrates used to say, was rather plausible than true; that every man is sufficiently eloquent in subjects of which he is quite master. He had been nearer truth had he said, that as no man can be eloquent upon a subject in which he is ignorant, so no man, let him be ever so much master of his subject, can ever talk eloquently upon that subject, if he is ignorant how to form and polish his discourse.

CHAP. XV.

THEREFORE, were a comprehensive definition of an orator to be given, in my opinion, the man who deserves that awful name must be one, who, upon all occasions, shall be able to deliver what he has to say, accurately, perspicuously, gracefully, and readily, accompanied with a certain dignity of action. But if any one should think that I speak too indefinitely when I say, UPON ALL OCCASIONS, let him curtail and retrench what I have said as he pleases; yet if an orator is ignorant of the properties of other arts and studies, and shall only retain what is appropriated to debates and the practice of the bar; if he is to speak upon subjects belonging to those arts; I maintain that this orator will speak much better, after he is instructed in them by the respective professors of each, than even those professors themselves. For instance, were my friend Sulpicius here to plead upon an affair, of the army, he would first apply for instruction to my kinsman Caius Marius, and then he could talk of it so as to seem even to Caius Marius almost to understand military affairs better than himself. Supposing a point in civil law; why, he will apply to you, and notwithstanding all your skill and experience in that study, he shall beat you upon those very subjects which he learned of you. Should a cause come in his way, in which he must touch upon the nature and vices of mankind, upon passions, temperance, chastity, sorrow, or death, perhaps if he sees occasion (though

an orator should know those things) he may confer with that learned philosopher Sextus Pompeius. Thus much at least he will attain to, that he shall be able to speak more elegantly upon any subject, let him learn it of whom he will, than the person who is his instructor. But if my opinion may be followed, since philosophy is divided into three branches, *natural*, *argumentative*, and *moral*, let us indulge ourselves so far as to abandon the first two; but unless we shall stick close by the third, which has still been the character of eloquence, we leave nothing to an orator in which he can shine. Therefore that part of philosophy which regards the life and morals of mankind, must be completely understood by an orator; and though he does not study the other branches, yet if he has occasion, he will be able to embellish them by his eloquence, provided they are communicated and delivered to him.

CHAP. XVI.

For if it is certain among the learned that Aratus,* a man quite ignorant of astronomy, treated of the heavens and the constellations in most beautiful and charming numbers; if Nicander of Colophon, a man entirely remote from a country life, by a genius of poetry, and not of husbandry, wrote excellently upon rustic affairs; what should hinder but that an orator should treat those points, which he shall study for a particular cause and emergency, with eloquence?

* *Aratus*]—This poet was a Sicilian patronised by Antigonus king of Macedon, and cotemporary with Menander and Callimachus. Cicero was so much in love with his writings, that he translated his Phænomena, some part of which translation is now extant.

As to the doctrine which our author here lays down, there is nothing more certain than that a poet may describe an art without studying it, or particularly applying to it. But I am afraid it will be found there is a difference betwixt writing in verse, where a very superficial knowledge is required to make a very fine episode, and speaking of them in prose, where it is expected all the terms made use of are to be clearly laid down, and in case of any difficulty or reply they must be explained, which can never be done without the speaker being perfectly master of his subject.

For poetry borders very much upon eloquence; the poet is indeed a little more confined to numbers, but then he can take greater liberties in the choice of his words, and in many respects, as to the method of embellishing, the companion, nay almost the equal, of the orator. In one respect* I will venture to say they are nearly the same; for the orator prescribes no bounds or limitations to his province, so as to confine him from using the same liberty, and freedom of ranging, as he pleases. Why then, my friend, should you say, that were you not upon my territories you would not have borne with me for affirming that an orator ought to be a complete master of eloquence and all liberal knowledge? Upon my word, I should not have mentioned it, did I imagine myself to be such a person as I describe. But as C. Lucilius, a man of letters and good breeding, (though you do not love him, and therefore he is less agreeable to me than he wishes to be), used frequently to say, (and I entirely agree with him), that no man ought to be accounted an orator, who was not thoroughly accomplished in all those arts that become a gentleman; and though we do not make a shew of them upon every turn of discourse, yet it may be plainly and evidently perceived whether we possess them or not. For instance, a man who plays at tennis, though while he plays he does not use the very airs that he learned at the fencing-school, yet we can easily perceive from his movements whether he has learned them. A man who is moulding a piece of work, though the work has nothing to do with painting, yet it is no hard matter to discern whether he can paint or not. Thus in the very speeches delivered before judges, in assemblies, and senates, though the speaker does not make any immediate application of those arts, yet it is easily discerned whether he is a pedantic declaimer, or trained to eloquence by all the arts that belong to a liberal education.

* *In one respect*]—This is true with regard to the principles of eloquence laid down and practised by Cicero; but certainly it does not hold as to the Greek manner, where truth alone is the object, or at least appears to be so.

CHAP. XVII.

I WILL not fence* any more with you, my friend, says Scævola laughing, for even what you have now said in answer to me has a good deal of art in it. You agree with me as to those things which I deny to belong to an orator, yet, I do not know how, you have fallen upon a way to warp your argument so as to make them the properties of eloquence. After I came to Rhodes, when I was pretor, and had talked over what I had learned from Panætius, with Apollonius, the celebrated master of this profession; he indeed, as usual, laughed at, and ridiculed philosophy, and said a great many things, in which there was more wit than wisdom; but you have formed your argument so as not to despise any art or profession, but have pronounced them all the attendants or handmaids of eloquence. Should any one man be master of them all, and to these perfections join that of an accomplished orator,† I must confess that such a man would be somewhat of a prodigy and a miracle. But if there is, if ever there was, or if there can be such a man, you are the person who, in my opinion, and in that of all mankind, have, I speak it under correction of these gentlemen, almost engrossed to yourself the whole glory of an orator. But though you want nothing that can qualify you either as a speaker or a senator, yet give me leave to say after all, that you are not master of all that extent of knowledge which you require in an orator; let us therefore examine whether you do not require more than either the nature of the thing, or truth itself can admit of.

* *Fence*]—The reader may observe there is somewhat very arch in the character of Scævola. Crassus has just done speaking of fencing-schools, and the other cannot help beginning his reply with a sneer.

† *Accomplished orator*]—Our author's inordinate passion for praise made him seize every opportunity of drawing his own picture as an orator; it would appear from this and many other passages, in a few pages following, that he imagined it must have a likeness, if all the fine things that he could form in imagination were crowded into it; that it was impossible to over-do in this respect, and that the more beautiful it was it must bear the stronger resemblance.

Let me put you in mind, says Crassus, here, that I did not talk of my own accomplishments, but of those of an orator. For what could I learn or know? I who entered upon action before I entered upon my studies! I who was even worn out by my application to the business of the forum, of ambition, of my country, of my friends, before I was capable to suspect I should be employed in those weighty points! But if you have so favourable an opinion of me, to whom you are so kind as to allow some degree of capacity; yet still I was deprived of the opportunities of study, of quiet, and, if I must say it, of that keen inclination for study that is so necessary; what will be your opinion of a man who has improved more genius than I possess, with those qualifications that I have never attained; how great, how complete an orator must such a man be!

CHAP. XVIII.

Says Antonius; You yourself, Crassus, are a proof of what you advance; and I make no doubt that a man would have a greater fund of eloquence, could he master the whole system and nature of all knowledge and arts. But, in the first place, that is almost impracticable, especially considering our profession and business; and then it is to be apprehended that it would throw us out of the practice and readiness of pleading in the forum, or before the people. For, to me, the persons you mentioned a little while ago seem to have possessed a different kind of eloquence, though it must be allowed that they spoke with great beauty and energy upon natural or moral philosophy. Their way of speaking had somewhat in it that was neat and gay; but then it was more proper for an exercise at school or a college, than for our crowded assemblies and forum. For I myself, who began very late in life to study Greek, and then attained only to a smattering of it, after I had come to Athens as proconsul, in my road to Cilicia, was stopped there a good many days, because the seas were then dangerous.* As I had

* *Seas were dangerous*]—In the original there are various

every day along with me very learned men, most of them the same you named a little while ago; and when they got a notion amongst them, I do not know how, that, like you, I frequently was concerned in some causes of consequence, they used, each in his own way, to debate upon the duty and qualifications of an orator. Some of them, such as that Mnesarchus you mentioned, affirmed, that those whom we term orators were only certain hackney operators with glib, well hung tongues: but that no man, unless he is a philosopher, can be an orator. That eloquence itself, which is the same thing with knowing how to speak well, is a virtue; that the man who possesses one virtue possesses them all; and that all virtues are in their own nature equal: hence, said they, the man who is eloquent possesses every virtue, therefore an orator is the same with a philosopher. But this crabbed dry stuff was very disagreeable to our notions. Yet Charmades treated those subjects in a much more diffuse manner; not that he would speak his own sense of the matter, for it is inherent to the academy to be eternally disputing; but the drift of all his discourse was to prove, that they who are termed rhetoricians, and they who teach the art of speaking, cannot possess any one excellency, or ever attain to the smallest share of eloquence, unless they have studied the inventions of philosophy.

CHAP. XIX.

THEY were opposed by some eloquent Athenians, men well seen both in law and politics, amongst whom was Menedemus, who lately was at Rome and my guest. This person, who was naturally quick, was attacked by another with a great stock of learning, and a prodigious variety and extent of experience, who maintained that there was a certain knowledge required in being able to judge right with regard to the founding and governing civil societies. He like-

readings, and the passage may be tranalated either as I have, or *waiting for the opportunity of a ship.*

wise taught that all the branches of knowledge must be derived from philosophy; that all the constitutions of government, religion, education, justice, patience, temperance, moderation, and the other virtues, without which states cannot subsist, or, if they do, they must be badly regulated, were never to be found in their pamphlets. But if those teachers of rhetoric did comprehend within their own art the force of these important matters, he asked why their books were full of prefaces, epilogues, and such other stuff, for he called it no better; maintaining that there is not a tittle to be found in their books about the modelling of states, the composing laws, equity, justice, truth, governing the passions, and regulating the morals of mankind. Nay, he went so far in ridiculing their doctrines, as to shew that they were not only void of all the learning they arrogated to themselves, but even of the very method and force of speaking. He laid it down as a maxim that the principal aim of a good orator is to appear to his audience to be the very man he wishes they should take him for. That this could only be effected by a dignity of character, of which these teachers of rhetoric are silent in their rules; and by making every impression upon the minds of the audience that the orator desires; that it is impossible to succeed in this, if the speaker is ignorant in how many different manners, by what subjects, and by what forms of speech the passions of mankind are moved and directed. But that all these were points concealed and wrapped up in the very recesses of profound philosophy; points, of which those rhetoric masters had not so much as a smattering. Menedemus endeavoured to confute this doctrine by *authorities* rather than by *arguments;* for he repeated by heart a great many fine passages from the orations of Demosthenes, and endeavoured to prove from thence, that Demosthenes knew well how to touch and direct, as he pleased, the minds both of judges and people, which are the means of attaining that end which the other said could be obtained only by philosophy.

CHAP. XX.

To this the other answered, that he did not deny but that Demosthenes was a skilful master of the whole power of speaking; whether he had attained to this by the force of genius, or by his being the hearer of Plato, which he indisputably was; but that the question was not with regard to what *he* could effect, but what *they* taught. He likewise went so far as to dispute whether there absolutely was such an art as that of speaking, and supported his opinion by the following arguments. That we are born with a power of soothing, and insinuating ourselves into the favour of those whom we want to court; of terrifying our foes by menaces; of explaining a fact; of enforcing what we wish should be believed; of refuting what we oppose; and of winding up the whole in moving and pathetic terms; qualities, in which the whole art of an orator is employed. He further insisted, that custom and practice both whetted the faculties of the understanding, and quickened those of the expression. He then had recourse to a variety of instances; for he, first, was very industrious to show, that no writer upon this art was himself tolerably eloquent. This he confirmed by the example of Corax and Tisias, who appear to have been the inventors of, and leading men in this art:* at the same time he brought numberless instances of very eloquent men, who never made it their study, or never made it their care to trouble themselves about it. Amongst those, whether he was in jest or in earnest, or from hear-say, I cannot say, he instanced *me* as one who had never studied it, and yet, as he was pleased to say, understood a little how to speak. I readily admitted the first of these positions; that I had never studied any thing on this head; but as to the other, I thought he was playing upon me, or

* *Corax and Tisias, both of them Sicilians, are the most ancient writers upon the arts. Quintilian, Inst.* lib. iii. cap. 1.—Quintilian no doubt means, that they were the first that treated the arts systematically, for there were many excellent authors in most arts before their days. They were cotemporary with Hiero of Syracuse, 475 years before Christ.

perhaps mistaken himself. And then he even denied that there could be any art, but what consisted in principles that were self-evident, thoroughly examined, all tending to one point, and never missing their end; but that every thing delivered by orators was doubtful and uncertain; since the teachers themselves were not quite masters of what they were teaching, and their scholars were to learn, not a science, but a mistaken, or at least a doubtful, short-lived opinion. In short, he appeared to convince me that there neither was, nor possibly could be, any art of eloquence, and that no man could speak, either skilfully or copiously, without being acquainted with the precepts of the most learned philosophers. Charmades used to add to all this, in the highest raptures, Crassus, at your eloquence, that I appeared to be his gentle hearer, but you his tough opponent.

CHAP. XXI.

BEING at that time misled by these maxims, I maintained in a pamphlet which I then wrote, and which, without my knowledge, and against my will, got abroad into the hands of the public, that I had known many *good speakers* but never one *orator*. What I meant by a *good speaker* was a man who could with a tolerable accuracy and clearness, according to the general sense of the world, talk to the middling rate of mankind. But by an orator* I meant one

* *An orator*]—Cicero, in the following part of this paragraph, as I have observed before, has sitten to his own picture, and there is no manner of doubt but it has the most perfect resemblance of the original; *si sic omnia dixisset!* Had he known his foibles as well as he did his beauties; had he trusted for fame to his character as an orator, no man could ever have appeared to posterity with greater lustre. But alas! he wanted that steadiness of head, that inviolable adherence to principle, which alone can reconcile the character of the best citizen and magistrate to that of the best speaker that ever lived.

It has frequently been a surprise with the learned, that Horace and Virgil, who have paid compliments in their writings to much more obnoxious characters than that of Cicero, have taken no manner of notice of our author, when they had so many fine opportunities. I own I cannot account for it, any other way than by imputing it to the disgust which his wavering, timid conduct

who could magnify, who could embellish in a more marvellous, in a more magnificent, manner, whatever

in public affairs left behind him. Which inclines me strongly to believe this is the famous character drawn by Horace in the following lines:—

Justum et tenacem propositi virum
Non civium ardor prava jubentium,
Non vultus instantis tyranni
Mente quatit solida, *neque auster*
Dux inquieti turbidus Adriæ:
Nec fulminantis magna Jovis manus.
Si fractus illabatur orbis,
Impavidum ferient ruinæ.
Hac arte Pollux, &c.

The man resolv'd, and steady to his trust,
Inflexible to ill, and obstinately just,
May the rude rabble's insolence despise,
Their senseless clamours and tumultuous cries:
The tyrant's fierceness he beguiles,
And the stern brow, and the harsh voice defies,
And with superior greatness smiles.
Not the rough whirlwind that deforms
Adria's black gulph, and vexes it with storms,
The stubborn virtue of his soul can move;
Nor the red arm of angry Jove,
That flings the thunder from the sky,
And gives it rage to roar, and strength to fly.
Should the whole frame of nature round him break,
In ruin and confusion hurl'd,
He unconcerned would bear the mighty crack,
And stand secure amidst a falling world.
Such were the god-like arts that led
Bright Pollux to the blest abodes.—ADDISON.

Besides the striking import of this character, there are in it two touches very characteristical of our author, that I am convinced it was meant as an apology for the orator owing no immortality to the poet; and though we have no hint of this from antiquity, yet if one will consider how intelligible allusions are in the time of the author, and how necessary it is thought to illustrate them, he will not be surprised why the intention of the author in this, and many other fine passages, is doubtful. The first hint I would take notice of in the foregoing lines is, *dux inquieti turbidus Adriæ*. The reader may compare this with the circumstances which we are told by Plutarch of Cicero, that this dread of the seas was the occasion of his abandoning his wise and generous resolution to go over to Brutus in Macedonia. That this dread further prevailed upon him to think of the mean-spirited design of throwing himself upon the clemency of Octavius. Further, that in one night he was of twenty minds, and quite distracted with irresolution. I say, if a reader will compare all these cir-

he had a mind; one, whose knowledge and memory contained all the principles, however extensive, that regard eloquence. Though this seems impracticable to us, who before we enter into the school, are entangled in the pursuit of AMBITION and the forum, yet still it must be allowed in fact and nature. For my own part, so far as I can form a judgment, founded on the capacities which I discern amongst my countrymen, I doubt not but some time or other a person will appear, who, by a keener application to study than ours is, or ever was, with greater leisure, with more pregnant parts, and superior in toil and industry, shall devote himself to hearing, reading, writing, and answer all the ideas we now form of a complete orator. A man who shall be guilty of no arrogance if he claims a title not only to *elegance* but *eloquence*. My friend Crassus is such a character in my judgment, or if there is a person of equal genius, but with greater practice in hearing, reading, or writing, I own that I could enlarge a little more still on such a man's praise. Here Sulpicius interrupted; it is, said he, an exceedingly agreeable disappointment, both to Cotta and me, that our discourse has taken this turn; it gave us great pleasure while we were coming here, to think that if you should enter with us even upon other subjects, yet still we should be able to pick somewhat from what you said, worthy of our memory; but we scarce had presumption enough to hope that you would enter even into the most material disquisitions of this, call it study, art, or faculty. For I, who from the time that I could discern right from wrong, was filled

cumstances, he will find very little room to doubt that Horace, in drawing this portrait, and marking it so strongly, had our author in his eye.

The next passage I would take notice of, is the expression, *hac arte Pollux*, &c. which I am afraid glances at our author trusting so much to his qualifications in this art for immortality. Nay, I will venture to say, that to a man who knows the beauties of Horace, and with what propriety he introduces every expression, it will appear that Horace could not but have intended an allusion to a particular character. I could say a great deal more to support what I have here thrown out, but perhaps I ought to make an apology for having said so much.

with a veneration of you both, (as to Crassus, I can say, besides, I loved him,) yet, though I never left his company, all I could do by myself, all my repeated endeavours by means of Drusus, could never draw a word from him upon the power and business of eloquence. But I must be so just to you Antonius, as to own that, upon this head, you never failed me, that you always answered my desires and requests, and very often instructed me in your own practice of speaking. But now as both of you have cleared the entrance to these very points which we were in search of, and as Crassus himself first started the discourse, indulge us with a minute detail of your own sentiments upon eloquence in general, which, if you grant us, we shall be infinitely obliged, Crassus, to your school at Tusculanum, and prefer this your rural retreat for study to the academy and Lyceum.

CHAP. XXII.

INDEED, Sulpicius, answers the other, we must apply for this to Antonius, who is both able, and, as you told me just now, is used to answer your importunity; for you yourself just now owned, that I have always declined any talk upon this subject, and have often denied your earnest requests. This I did, not from any motive of pride or affectation,* nor from any unwillingness to oblige you in your curiosity, which is highly just and laudable, especially as I knew that nature had peculiarly formed and qualified you for an orator; but, upon my honour, it was from my being unaccustomed to, and unskilled in, those principles of this pretended art.† Since, answered Cotta, we are got over our greatest difficulty, which was, that you, Crassus, should open your mouth at all upon this subject, it will be our fault now if you get off from us

* The original is *inhumanitate*, perhaps it should be translated *ill-manners*. I have translated it as I thought Cicero meant it.

† *Principles of this pretended art*]—*Earum rerum quæ quasi traduntur in arte*, say the common editions; *quæ quasi in arte traduntur*, says Dr. Pearce's, and to be sure he is right; for the genius of the language will not suffer the first order of the words to admit of what Cicero certainly meant, as I have translated it.

without explaining every thing we want to know of you. Then, says Crassus, as we used to write in our administrations,* I WILL SPEAK TO WHAT I KNOW, AND WHAT I CAN. Is there a man here, answered the other, that has the impudence to pretend to know, and do what you do not know and cannot do? Well, replies Crassus, saving to myself the plea of inability, where I am really unable, I am at your service in answering all the questions you shall think fit to put. Then, said Sulpicius, to begin, we require that you give your opinion with regard to those points that Antonius opened some time ago; do you think that eloquence can properly be called an ART? How, replied Crassus, do you throw a little quibble in my way for me to descant upon, while the humour is upon me, as if I were some idle, prattling, but perhaps learned and ingenious, Greekling? Did ever I give you reason to think that I valued or minded, that I did not always rather ridicule the impudence of those fellows, who when they had got into a chair of a school, demanded in a crowded assembly, *whether any man there had any question to start?*† This is a practice said to be introduced by Gorgias of Leontium, who thought that he undertook something that was great and surprising, when he pronounced that he was ready to speak upon any subject that any one of his audience, be who he would, desired to hear. This afterwards became, and still is, their common practice, insomuch, that there is

* *Administrations*]—In the original *oretionibus*. I have translated it by the nearest words I could light of in our language. *The oretiones* were of two kinds; the one vulgar, in which the words *quibus scio poteroque* were inserted; the other absolute, in which they were not inserted. *Ulpianus*, tit. 22.

† *Whether any man there had any question to start*]—I am sorry to observe it, but it appears from this passage, that quackery in learning is of a very ancient date. These philosophers were a kind of intellectual prize-fighters; of such we have had great plenty since; one Crighton, a Scotchman, in the sixteenth century, was a perfect knight errant in this way; for he made the tour of Europe, and published placards wherever he came, that he was ready to dispute with any man not only upon any subject, but in any language his opponent should choose. If I am not mistaken he likewise offered to dispute in prose or verse; so very indefatigable was he in rendering himself ridiculous.

no subject so important, so unexpected, or so new, that they do not pretend to discuss as fully as it possibly can be. If I thought, Cotta, that you or Sulpicius wanted to be entertained in this manner, I would have brought along with me some Greek to tickle you with such disputes, which indeed is no hard matter to bring about even yet: for there is a peripatetic, one Staseas, at the house of M. Piso, a young gentleman, who is bewitched with this curiosity, though a man of an excellent genius, and a mighty friend of mine. I am very well acquainted with this Staseas, and, as appears from the adepts in this art, he is the leading man in this way of disputing.

CHAP. XXIII.

WHY do you talk to us, answered Mucius, of your Staseas and your peripatetic? you must, my friend, indulge the young gentlemen; they do not want to hear the daily prate of an unpractised Greek, nor a school ballad; they want to know the sentiments of the wisest, the most eloquent man in his time; of the man whose head and tongue command, not in the craft of learning, but in the importance of the causes he manages in this august seat of empire; it is such a man in whose footsteps they desire to tread. For my part, though I always imagined you a god in speaking, yet I never thought you more distinguished by eloquence than by politeness. It is in this character that you are now to appear, nor must you decline the disputation to which you are invited by two young gentlemen of the most excellent capacities. I assure you, replies Crassus, I am ready to obey them, and to give them my sentiments in my own brief manner upon any subject. And, Scævola, in the first place, as I cannot in decency overlook what you mentioned, I think that eloquence is no art, or but a very slender one; but that all the difference among the learned, on this head, lies in words. For if, as Antonius said a little while ago, the definition of an art is, that it consists of points thoroughly examined, clearly understood, abstracted from the caprice of opinion, and

bounded by the principles of science; to me there seems to be no such art as that of eloquence. For all the kinds of our pleadings at the bar vary from one another, and must be suited to the understandings of the vulgar and the populace. But if the observations made both in the theory and practice of speaking by the cunning and knowing of mankind, have been defined in terms characterised by their properties, and digested under heads, which I see may have been done; I do not understand why it should not, though not in the strictness of terms, yet in the common way of thinking, be looked upon as an art. However, whether it be an art or the semblance of an art, it ought by no means to be neglected; but we must still take it for granted that some higher qualifications are required to attain it.

CHAP. XXIV.

ANTONIUS then said, that he agreed heartily with Crassus, that he neither owned it as an art, in the sense of those who fix all the powers of eloquence upon the principles of an art, nor absolutely rejected it for such, as most philosophers do. But, Crassus, continued he, I believe it will oblige these gentlemen, if you point out the method by which you think they may improve in the *excellency* rather than in the *art* of speaking. Agreed, answered the other, because I promised it; but I beg of you that my impertinence may go no further; though at the same time I will be upon my guard not to appear as a master or an artist, but in the character of a private Roman, who has a tolerable reputation, and not entirely void of merit in the practice at the bar; who does not dictate, but delivers his sentiments in an accidental conversation. It puts me in mind, when I stood for preferment, I used when I was soliciting, to take my leave of Scævola, by telling him I wanted to be impertinent; this was the civil way of asking him; for in these cases, unless a man is impertinent, he can do nothing to the purpose. Here it happens that this very man, the man in the world before whom I would soonest

avoid to seem trifling, is now the hearer and witness what an arrant trifler I am; for what can be more so than to speak upon the art of speaking, when nothing can excuse speaking itself but necessity? Pray go on, replies Mucius, I will answer for any thing which you fear may be amiss.

CHAP. XXV.

THEN, said Crassus, it is my opinion that nature and genius* contribute most to the powers of eloquence; as to those authors whom Antonius mentioned a little before, it was not method or order that was wanting to them, but genius; for the mind and the genius ought to be endued with certain quick faculties for rendering the invention acute, the expression and its embellishments diffusive, and the memory solid and lasting. It is very well, if these faculties be animated or excited by art; but it is not in the power of art to ingraft every quality, for these are the gifts of nature. Therefore, if one should be under the mistake of thinking that these qualifications are attainable by art, what will such a one say of those which are certainly born with them; such as the volubility of tongue, the music of the voice, the strength of lungs, the symmetry and beauty of the look and figure? Not but that art can contribute some refinements; for I am sensible that learning may improve what is already good, and in some measure polish and correct what is none of the best. But there are some men so stuttering in their expression, so harsh in their tone of voice, so forbidding in their look, so unwieldy and so savage in their make, that, with all the genius and

* *Nature and genius*]—Quintilian, in his preface, §. 4. has a very beautiful expression upon this subject:—*Illud tamen imprimis testandum est, nihil precepta atque artes valere nisi adjuvante naturâ. Quapropter si cui deerit ingenium non magis hæc scripta sunt, quam de agrorum cultu sterilibus terris.*

We must, says he, premise, that precepts and art can do nothing without the concurrence of nature. For those pages are no more written for the use of a person who has no genius, than a treatise upon agriculture can be supposed calculated for the improvement of barren grounds.

art in the world, they can never become orators. There are others so happily turned, so endued by nature for the same attainments, that they seem not to be born, but moulded by the finger of a god. Great, weighty, and important is the undertaking and profession, when, amidst a numerous assembly, profoundly silent, one man alone is heard discoursing on the most important matters: for there is scarcely any one who hears him, who has not a quicker, a more piercing eye to the defects than to the beauties of his expression, who, in condemning what he dislikes, with that confounds excellencies themselves. Not that I insist young gentlemen who have not natural qualifications should be absolutely discouraged from the study of eloquence: for who does not perceive that it does great honour to C. Lælius, my equal in years, and without the advantages of birth to recommend him, that he was able to acquire even that indifferent talent in speaking which he possessed? Is there one in this company who does not know that Q. Varius, an unwieldy, uncouth figure of a man, has now a vast interest in the city, by means of those very talents, such as they are?

CHAP. XXVI.

But as our discourse has now fallen upon the character of an orator, let it describe one who is blameless, and all accomplished; for if the multiplicity of suits, the variety of causes, the bustle and impertinence of the forum, afford employment sufficient for the most wretched speakers; we ought not, for that reason, to take our eye off from the main object of our pursuit. Thus, in those arts to which we apply, not because of their indispensible utility in life, but because they are genteel amusements, how critically, nay, how squeamishly do we judge? For there are no suits or controversies on the theatre to make people endure a bad actor there, as they do an indifferent pleader at the bar. An orator, therefore, ought to be extremely careful, not only to please those whom it is his business to please, but to fix the admiration of men who can

judge upon a more disengaged, disinterested footing. But if you insist upon it, that I should speak my sense of the matter without reserve, since you are all of you my intimate friends, I will now, for the first time, declare what I have hitherto thought ought to be concealed. Even the best speakers, they who speak with the greatest ease and grace, appear to me almost with an air of impudence, unless they compose themselves to speak with a certain bashfulness, and are under some confusion when they set out; yet *they* can never appear otherwise; for the more a man excels in speaking, he is the more sensible of its difficulty, he is under the greater concern for the event of his speech, and to answer the expectation of the public. But the man who can compass nothing worthy the profession, worthy the name, of an orator, or worthy the attention of mankind; such a one will appear impudent in my eyes, let his concern while he speaks be ever so great; for we ought to keep clear of the charge of impudence, not by blushing at, but by avoiding, indecencies. As for a man who discovers no symptoms of his being abashed, as I see is commonly the case, I think such a fellow deserves not reproof only but punishment. For I have often observed in you, and experienced in myself, that I grow pale at the beginning of a speech, feel a flutter over all my spirits, and a trembling through every joint. But when I was a young man, I was so spiritless at the opening of a charge, that, I speak it with the highest sense of gratitude, Q. Maximus adjourned the court, when he perceived me thus oppressed and disabled with concern. Here they all of them agreed in the same thing, and begun to whisper, and talk to one another, for there was in Crassus a surprising bashfulness, which at the same time was so far from being a disadvantage to his eloquence, that it even carried a prepossession in his favour, by recommending the goodness of his heart.

CHAP. XXVII.

INDEED, my friend, I have often observed, as you

say, replied Antonius, that you, and the rest of our best speakers, though in my opinion none ever equalled you, were under great concern at their setting out. When I came to inquire into the reason of this, and why an orator, the better he could speak, was always under the greater confusion in speaking, I accounted for it two ways; the first was, that they who are formed both by experience and nature to speak, have observed, that sometimes causes will go not quite agreeable to the minds of the very best speakers; therefore it is reasonable for them, every time they are speaking, to dread, as it sometimes happens, it may be their own case at the time; the other way I account for it, is, what I often thought a hardship. When they who have an established character in other arts fall short of their usual excellence, it is generally imputed to their wanting either inclination, or health, to exert their abilities; Roscius, say they, would not act to-day, or he was indisposed. But if a defect is observed in an orator, it is immediately imputed to dulness, and dulness has no excuse; for you will never be able to persuade the world that a man can be a dunce either through indisposition or wilfulness. Thus, in speaking, we undergo a severe trial, and every time we speak it is renewed; while a player, who has been faulty in action is not immediately pronounced to know nothing of action; but if an orator shall be thought to make one blunder, he eternally, or at least for a long time, labours under the imputation of dulness.

CHAP. XXVIII.

As to what you say, that there are a great many things in which, unless an orator has them from nature, the assistance of a master can do him but little service, I am very much of your opinion; and here I cannot but do justice to the merits of that excellent master Apollonius of Alabanda, who, though he made a trade of teaching, yet would never suffer those he thought would never turn out orators, to lose their time in attending his lessons; but dismissed them, and used to advise and drive them to follow the art for which

he thought each most fitted. For in learning other crafts, it is enough, if you have the resemblance of a man, and if the learner, be he ever so great a dunce, has just as much apprehension as to conceive, and as much memory as to retain what is taught, and perhaps hammered into him. He has no occasion for the smoothness of language, or the command of expression, nor for those qualifications which we must owe to nature, such as the face, the look, the accent. But in an orator, there is required the subtilty of logicians, the learning of philosophers, the diction almost of poets, the memory of lawyers, the voice of tragedians, and the action of the best players. Therefore in mankind there is nothing harder to find than a perfect orator. Among the professors of particular branches in other arts, if each in his own arrives at mediocrity, he passes with approbation; but if an orator is not completely master of every branch of his art he cannot pass. And yet, said Crassus, see how much more indefatigable people are in an art that is but slight and trivial than in this affair, which is evidently of the greatest importance. For I have frequently heard Roscius say, he never could find that scholar with whom he was perfectly satisfied; not but that some of them might have passed; but because, if they had any manner of defect, he himself could not endure it; for nothing makes so remarkable, so deep an impression upon the memory as a miscarriage. Therefore, that we may run the parallel betwixt the accomplishments of an orator and those of a player, do not you observe, that every thing he does, is done in the most complete, the most graceful manner; that he does nothing but with the greatest propriety, and so as to move and delight every body? Hence it is, he has long attained to this distinction, that when a man excels in his own craft, he is called the Roscius of his profession. While I require this finished excellence in an orator, of which I am so void myself, I act impudently; because my own defects I wish to have pardoned; to those of others, I am inexorable. For the man who is destitute of abilities, who performs incorrectly; in short, the man who goes awkwardly to work, such a one (so far I agree with

Apollonius) I think ought to be turned over to do somewhat he can do.

CHAP. XXIX.

WHAT, replies Sulpicius, would you order Cotta or me to fall to the study of civil law, or military affairs? For what man must not despair to attain to those high, those universal accomplishments? So far from that, answers the other, that the very reason why I have explained myself in this manner, was, because I knew both of you to possess a most extraordinary genius for eloquence; and I adapted my speech not more with a view to discourage those who had not abilities, than to encourage you who have; and though I perceive, that both the one and the other of you are endued with the greatest capacity and application; yet the advantages of outward appearances, which I have enlarged upon perhaps more than the Greeks use to do, in you, Sulpicius, are divine. For I do not remember to have ever heard any man speak more gracefully, either as to the attitude, the deportment, or the figure, or with a more full and sweet voice. Even they who possess these advantages in a smaller degree may be good speakers, provided they have the skill to use the qualifications they really possess to the best advantage, and with *gracefulness;* for *ungracefulness* is the thing in the world that is to be most avoided. At the same time, it is extremely difficult to give any rules upon this head; this is a difficulty that not only sticks with me who speak of these matters as a private gentleman, but even with Roscius himself, whom I have often heard say, that the chief point of *art* is *gracefulness*,*

* *The chief point of art is gracefulness*]—The ancients had an exceedingly beautiful allusion upon this head. *In all undertakings*, said they, *let us sacrifice to the graces.* It was by observing this important lesson, rather than from any superiority of genius, that their writings have lived so long in esteem. An excellent English satirist has expressed the meaning of this allusion beautifully.

> He who blots out, and blots not out the best,
> Pours lustre in, and dignifies the rest.

But the poet, in these two lines, hints only at one cause which

but that it was the only thing that did not come within the precepts of art; but if you please, let us shift our discourse, and talk in our own way, not as rhetoricians. By no means, replied Cotta, for we are now reduced to a necessity of entreating you, since you have arrested us in this profession, and will allow us to apply to no other art, to inform us, as you can, of the whole extent of your own power in eloquence. Sure you cannot say we are too greedy, we are content to take up with your eloquence, indifferent as it is, and we want to know how we can be further qualified; since you say we are not entirely destitute of natural advantages; not that we intend to aspire at more than the little merit in speaking you have attained to.

CHAP. XXX.

Says Crassus, with a smile, why, Cotta, you want nothing further but the intenseness and passion of study, without which nothing great was ever performed in life; far less can any one attain to this excellence you require. But indeed it is in vain to have a passion for arriving at any point, unless you are acquainted with the means that can carry and conduct you to what you intend. But as the task you impose upon me is pretty easy, since you do not insist upon my explaining the art of an orator, but the little I myself can do in this way, I will inform you of a method of my own, which has nothing in it that is abstruse, difficult, pompous, or great, but what I practised in my youth, while it was in my power to apply to these studies. Cotta, cried Sulpicius, what a blessed day is this for

destroys the gracefulness of a performance produced by genius; and that is, the fondness of an author for his own work, and his being loath to blot what he thinks is well said, no matter with what propriety it comes in. There is another source of ungracefulness, which was the cause of all the gothicisms which infected the fine arts for 1200 years, and that was mistaking ornament for beauty, and thence aiming at an unnatural perfection. The Goths, observing the ancient architecture with a few ornaments was very beautiful, they concluded that if it had more ornaments it must be more beautiful, till at length all was ornament, and nothing beauty. The same fate, from the same cause, attended poetry, eloquence, painting, and statuary.

us! for I could never, by all the entreaties, by all the stratagems, by all the prying I could use, not only not see what Crassus composed or spoke, but I could not have the least hint from his amanuensis and reader Diphilus. I hope now we have obtained what we wished for, and shall be informed from his own mouth of every thing we wanted to know.

CHAP. XXXI.

BUT indeed, my friend, said Crassus, I am of opinion, when you have heard all I have to say, that you will not be so much in love with it; you will rather think, that you had no manner of reason of being so fond to hear it beforehand; because what I am to say contains no secret, nothing to answer your expectation, nothing that is new to you or the world; for I own very freely, that I have studied all that commonplace, trite learning, a piece of education which is worthy of a gentleman; and therefore I lay it down, that the principal point an orator ought to aim at, is to persuade; next, that the tendency of every speech is either to discuss some general question, without specifying persons or times, or some point where particular times or persons are specified. In both these cases the question in dispute uses to be, whether such a thing is, or is not fact; or, if the fact be admitted, of what nature it is, or under what denomination it comes; and, according to some, whether the commission of it was or was not justifiable. I was further taught, that controversies may arise from the meaning, whether it is either doubtful or contradictory, or when the letter contradicts the spirit of the law; and that there is a certain species of argumentation appropriated to each of these cases. I was further taught, that those doubts that cannot be ranked under the general division become either matters of trial or debate; that there was likewise a third species, consisting in praising or lashing particular persons; and that there are certain topics which we insist upon in cases of equity, and in courts of justice; that there are other topics on which we debate, and where all

the subject of debate is the interest of those to whom we give our advice or assistance; that there are others appropriated to panegyric, where every thing has relation to personal merit. I was further taught, that as all the profession of eloquence is divided into five parts, an orator must first find out what he has to say, and when he has found that out, he is to distribute and range it, not only in order, but with a certain *readiness* and judgment; he is next to clothe and embellish it by his expression; he is then to imprint it in the memory, and lastly to deliver it with gracefulness and dignity. I likewise was further instructed, that before one enters upon the main subject, he should endeavour to gain the affection of his hearers. In the next place the fact is to be represented, the case is to be stated, and the speaker then proceeds to prove his allegations; he next proceeds to confute what has been advanced by the other party; and at the conclusion of his speech, whatever makes in his favour he is to magnify and improve, and whatever makes against him he is to weaken and extenuate.

CHAP. XXXII.

I WAS likewise instructed in whatever relates to the embellishment of a speech, the chief of which is the purity of diction, the next is ease and clearness, the next gracefulness, and the last an expression suited to, and, as it were, setting off the nature of the subject; and I made myself master of all the precepts relating to each of these points. Even that which one would think to be a character of nature I have sometimes known to be assisted by art; for I myself have dipped into certain precepts upon action and memory, which, though short, cost me great labour; for the whole learning of certain artists turns upon these points; and I should be much in the wrong to say that they are of no use; for they serve, as it were, to prompt the orator, by informing him to what head such and such things relate, and, at a glance, he is much surer not to be wide of his aim. But I take the true effect of all precepts to lie in this, not that orators, by observing

them, attain to eloquence, but that observations have been made, and a practice formed, from characters which eloquent men have laid down merely by the strength of natural genius. Thus eloquence is not the product of art, but art is derived from eloquence; but even that, as I said before, I would not shut out; for though it may not be quite so necessary to the practical part of speaking, yet it is very well suited to the critical. This is the task that you are to undertake, though you have already entered the lists; notwithstanding that the students in this way, like the gentlemen of the sword, may improve by the preludes and practice of a mock fight upon disputable points. This, interrupted Sulpicius, was the very thing we wanted to know, yet we wish to hear somewhat from you with regard to the art itself you have so slightly touched upon, though we are not quite strangers to it. However, we shall talk of it by and by, but at present we want to know your sentiments upon the practice itself.

CHAP. XXXIII.

WHY really, replied Crassus, I approve of your common practice in stating a cause of the same nature with those that really come before the courts of justice, and then speaking to it as if you were actually in earnest. But most people in such exercises make use only of their voice, and that too not very judiciously, the strength of their lungs, and the glibness of their tongue, and are quite charmed with their own performance, if they can but pour forth a torrent of words; so far do they mistake that general maxim, that practice makes perfection in speaking. But there is another maxim; that by a vicious practice of speaking, men very naturally fall into a vicious habit of it. Therefore, in those very practisings, though it is of great importance that a man should acquire an ease and quickness of speaking, yet it is of much greater that he should, after some consideration, speak at once readily and correctly. But to tell the truth, the chief point of all is a thing that we very little practise; for it is difficult, and therefore commonly avoided, I

mean frequent compositions upon paper. THE PEN IS THE BEST, THE MOST EXCELLENT FORMER AND DIRECTOR OF THE TONGUE; and no wonder; for if reflection and thought easily excel what is thrown out by chance, and at a heat, careful and assiduous practice in composing will excel even those advantages. For every topic, whether it regards art, genius, or learning, if it has any relation to the subject we write upon, immediately presents itself and occurs to the all-observing eye of strict inquiry and critical observation; and at the same time, it is a necessary consequence, that the periods and expressions, all of them the choice of their kind, should undergo the polish of the pen; hence arises perfection as to the propriety and disposition of expressions, and style in writing, not in the cadence and manner that suits the poet, but the orator. Hence likewise is the true spring of the admiration and applause bestowed on excellent speakers; and let a man declaim ever so violently in these flashy exercises, he shall never be able to attain to these qualifications without practice in writing: and the man, who after handling his pen,* shall come to the bar, will carry along with him this advantage, that though he even shall speak *extempore*, yet what he shall deliver will have the air of correct composition; and further, if at any time he shall use the assistance of notes, as soon as he lays them aside, the remaining part of his speech will be of a piece with the preceding. As a boat, when sailing, though the rowers give over rowing, yet still the vessel keeps the same motion and direction as when impelled by the strength and strokes of the oars; so, in a continued discourse, when one's notes fail him, yet the remaining part proceeds in the same strain, by the resemblance and strength it requires from composition.

* *Handling his pen*]—This precept will be found useful to all manner of speakers, and we have known some of the greatest men in our age and country owe the excellency of their eloquence to this precaution. The following simile of our author is extremely just and beautiful.

CHAP. XXXIV.

But in my daily exercises, when I was but a very young man, I own I chiefly followed what I knew to be the practice of our foe Caius Carbo, which was, to digest in my memory, as well as I could, a set of sensible verses, or a certain portion of some oration which I had read over, and then deliver the very same matter in other words, and those the best I could choose. But I found myself under this inconveniency by this practice, that the most proper, the most elegant, and the most beautiful expressions in every subject, had been anticipated either by Ennius or Gracchus, if I took my theme from the verses of the one, or the orations of the other. Thus, if I used the same words, my labour was bootless; if I altered them, I was sure it must be for the worse, which would do me prejudice. Afterwards, when I grew a little older, I chose to translate the best Greek orations, by which I attained to this advantage, that in rendering the Greek I had read over, into Latin, I not only fell upon the most elegant, and yet the most usual expressions, but was in the course of my translation led in to coin some phrases, which to my countrymen were new, and I took care that they should be proper. Now the operations of the voice, the lungs, the whole body, and even the tongue, do not so much require art as exercise.* But in all these exercises we ought to take particular care to imitate those whom we wish to resemble. We are not only to observe the practice of orators, but of actors, lest by a vicious habit we contract some ungracefulness and awkwardness. The memory ought likewise to be employed in learning a good many of our own and of foreign compositions; and to this exercise I do not think it would be amiss, if you should tack the rules†

* *Art as exercise*]—Our author no doubt means, that by exercise one may come into an artful management and disposition of all the exterior circumstances of speaking.

† *Tack the rules, &c.*]—The art of memory was in great vogue, and of a good deal of advantage among the Greeks. The moderns, especially the Germans, in the last age, wrote a great many books upon it; but if the ancients had not proceeded upon some principles that were more worthy the exercise of the rational faculties

which relate to the method of imprinting in your memory your subject, by certain hints taken from places and resemblances. From this private, this retired, exercise, you are to draw out the powers of your eloquence into the front of the battle, into the dust, the din, the camp, and the array of the forum. You are to handle every weapon; you are to put the forces of your genius to the trial, and all your retired lucubrations must now stand the test of public practice. The poets too must be read, a knowledge of history must be acquired; the writers, the authors of all the best arts must be read over and over again; and to improve your practice you are to praise, to explain, to correct, to vilify, and to confute them. You must dispute upon any side* of every question; and you must explore and explain whatever can be advanced on your own side with the greatest probability upon any subject. The civil law must be thoroughly studied; the statutes must be understood, you must have a clear notion of all antiquity, of the practice of the senate, the government of the state, the rights of our allies, leagues, conventions, and the interests of the constitution. You are likewise, from all the several modes of good-breeding, to extract a certain agreeable turn of wit, which, like salt, must season all you say. Thus I have poured forth all I had to deliver, and yet perhaps any private gentleman whom you had laid hold of in company, would have given you just the same satisfaction.

CHAP. XXXV.

When Crassus had done speaking, a pause ensued;

than the Germans did, it is probable we should not have it recommended by Cicero.

* *Dispute upon any side*]—I do not know if the rapidity with which Crassus speaks here can plead for an excuse for this expression. Quintilian, to his immortal honour, looked upon the profession of an orator in another light than we do upon that of a Swiss: he thought that no man could distinguish himself without great virtues as well as great qualities; I wish that we could say he had learned this from the precepts our author lays down in this treatise.

but though the company seemed to think that he had sufficiently answered all they had proposed; yet he had run through it much sooner than they wished for. Pray, Cotta, says Scævola, what is all this silence for? What, cannot you fall upon some other question to put to Crassus? Why, replied the other, that is the very thing I am thinking of; for such was the rapidity of his words, such the flow of his language, that I perceived its force and energy, but could scarcely trace its rise and progress; as if one were to enter into some rich, well furnished house where the apparel is neither exposed, nor the plate set forth, nor the pictures and images placed in view, but all the variety and magnificence of the furniture huddled and shut up; so just now, while Crassus was speaking, I could perceive the riches and beauties of his genius, as it were through certain veils and curtains; but of the things I wanted to survey at leisure, I could scarcely snatch a glance. Upon the whole, I can neither say that I am absolutely ignorant of his qualifications, nor that I have been able clearly to mark out and discover them. Then, replies Scævola, cannot you do as you would in case you were to step into a house or a seat magnificently furnished; if, as you have supposed, all the rich furniture is locked up, and you had an excessive curiosity to see it, sure you would desire the owner to order it to be brought out, especially if he was your friend. In like manner, ask the favour of Crassus now to display to our view, and range in proper order, all those rich embellishments of his, whereof we have but got a slight, passing glance, as it were, through a lattice. Nay, but Scævola, says Cotta, I beg this favour from you; for Sulpicius and I are ashamed to importune one of the greatest men upon earth, and one who has always despised disputations of this kind, for what he perhaps looks upon as an exercise only for children. But do you, Scævola, grant us this favour, and prevail with Crassus to extend and explain those principles, which in his discourse he crammed into so narrow a compass. Upon my word, replied Mucius, I was for this before, rather on your account than my own, nor can I say that my desire of hearing Crassus upon this

subject was equal to the pleasure I have had in hearing him plead. But now, Crassus, I beg upon my own account too, that you will employ this unusual interval of leisure, in finishing the building you have already founded: for I can see a more regular model of the whole than I expected, and such as I greatly approve of.

CHAP. XXXVI.

INDEED, replies Crassus, I am prodigiously surprised that you, Scævola, should insist on hearing what I am neither so much master of as they who teach it, nor is it of such a nature as, did I understand it ever so well, to suit your experience, or claim your attention. Say you so, answers the other, but granting that young gentlemen ought not to hear the common and vulgar rules, are we to neglect those precepts which you have pronounced ought to be known by an orator upon the nature and morals of mankind, upon the method of awakening and subduing their passions, upon history, antiquity, government; and, in short, our own system of the civil law? For I knew that your experience had mastered all this extent, all this variety of knowledge, but never did I see so magnificent furniture in the equipage of an orator. Then, answers Crassus, not to speak of other instances, which are numberless, of great importance, and to proceed to your favourite study of the civil law, can you reckon them orators, whom Scævola, with a mixture of mirth and indignation, waited many hours for, when he was in haste to go to the Campus Martius; when Hypseus with a very audible voice, and in a power of words, insisted upon it with the pretor M. Crassus, that his client might lose his cause. While Cneius Octavius, a consular, in a speech of equal length, refused to suffer his antagonist to lose his cause, or that his own client should take the advantage, by the blunders of the other party, of being acquitted of the charge of betraying his ward, and all its troublesome consequences. For my part, answers the other, I remember to have heard Mucius talk of these dunces,

but I am so far from allowing them the character of orators, that I am for depriving them of the privilege of pleading at the bar. And yet, replied Crassus, these advocates wanted neither for eloquence nor for method and readiness in speaking; what they wanted was a knowledge in the civil law. For the one insisted upon more, while he was pleading upon a law in the twelve tables, than the law admitted of; and if this was granted him, he of course lost his cause. The other thought it unjust that he should be more hardly dealt by than the charge brought against him implied, and could not perceive that if he had been dealt by in that manner his antagonist must be cast.

CHAP. XXXVII.

NAY, not many days ago, while we were sitting as assistants to our friend Q. Pompeius, the city pretor, did not one of your eloquent lawyers insist upon the defendant being indulged in an old and common exception in favour of a debtor who was engaged to pay a sum at a certain day? He did not understand that this rule was made in favour of the creditor; insomuch, that if the defendant had proved before the judge that the money was demanded before it became due, when the plaintiff came to demand it a second time, he might have been precluded by this exception, BECAUSE THE THING HAD ALREADY BEEN BROUGHT INTO JUDGMENT.* Can any thing more scandalous than this be expressed or acted, than that a man who assumes the character of an advocate for the interests and causes of his friends, a reliever of the oppressed, a physician to the sick, and a raiser of the dejected, that such a man should trip in the most minute, the most trivial affairs, so as to become an object of pity to some, and of ridicule to others? I own that our kinsman, the rich Crassus, who in many respects was a man of taste and elegance, was highly commendable

* *Because the thing, &c.*]—The words I have put in capitals appear to have been part of the law.

in this, that he used to tell his brother Scævola,* that the latter never could have made any figure in the civil law had he not allied himself to eloquence, (his son, who was joint consul with me, united both these characters), and that he himself had studied the civil law before he undertook to plead or manage any causes for his friends. But what was the character of the excellent M. Cato? Was it not that of being one of the best speakers of his age and country, and at the same time a most skilful civilian? I have all along touched upon this point with the greater delicacy, because there is now in this company a person of the greatest eloquence, and one whom I admire as the first of his profession as an orator, and yet he has always expressed a contempt for the study of the civil law. But as you insist upon being let into my opinion and sentiments I will hide nothing from you, but explain as much as I can my thoughts upon every subject.

CHAP. XXXVIII.

THE amazing, the unparalleled, the divine power of genius in Antonius, though void of the study of the civil law, seems to qualify him for managing and pleading causes by the assistance of other intellectual accomplishments; he is therefore an exception to our general rule; but as for the others, I own I make no

* *His brother Scævola*]—To understand the wit of this saying of Crassus it may be proper to observe, that the family of the Scævola, as he himself hints before in this dialogue, was famous for their knowledge of the civil law, as was that of Crassus for eloquence; Scævola marrying the sister of Crassus gave the latter a handle for this saying. The Crassus here mentioned was not Marcus the famous triumvir, who was killed by the Parthians, and famous for his wealth, but another, who, according to certain authors in Gellius, had five several pre-eminences, viz. 1st, in riches; 2ndly, in quality; 3rdly, in eloquence; 4thly, in jurisprudence; and 5thly, in the sacerdotal college.

Is Crassus a Sempronio Asellione, et plerisque aliis historiæ Romanæ scriptoribus traditur quinque habuisse rerum bonarum maxima et præcipua, quod esset ditissimus, quod nobilissimus, quod eloquentissimus, quod jurisconsultissimus, quod pontifex maximus. Gell. Noct. Att. l. i. c. 13.

difficulty of condemning them in my own mind, first of idleness, then of impudence. For to flutter over the forum; to be always dangling after the law, and the benches of the judges; to manage the most important trials upon private property, in which the question often does not turn upon points of fact, but of law and equity; to swagger in pleading before the Centumviri, where you have all the system of laws relating to interests, wards, families, relations; the alterations and eruptions of rivers, vassalage, and bondage; walls and windows; egress and regress; wills executed or unfulfilled; together with an infinite number of other things; if a man who undertakes all this is ignorant of what belongs to himself, and what to another, and how a man becomes bond, and how free, or what constitutes an inmate and what a citizen, such a fellow must be certainly furnished with a most consummate stock of impudence. What a ridiculous figure would a man make, to own that he did not know how to manage a small bark, and yet pretend to sail one of our first rate ships. If in a company I should find that you are over-reached by a quibble of your antagonist; if I shall see you put your seal to a deed for your client, the matter of which must do him a prejudice, do you imagine that I would trust a cause of greater importance to your management? Take my word for it, the man who in harbour oversets a boat with but a pair of oars, shall sooner be made captain of a large ship in the Euxine sea. But if those causes that turn upon the civil law are none of your little ones, but often of the utmost importance, what a front must a man have to pretend to be counsel in those causes, without the smallest knowledge of the law. For instance, could any cause be more important than that of the soldier, whose death his father had an account of by wrong information from the army; thereupon believing it to be true, he altered his will, and thought fit to make another person his heir; he then died himself, and the cause was brought before the Centumviri: the soldier, returning home, commenced an action for his father's estate; upon this the question that depended upon the

civil law was, whether the son was disinherited by the will—whether the son, whom the father in his will neither expressly nominates to inherit or disinherit, is not cut off from succeeding to his father's estate?

CHAP. XXXIX.

FURTHER, what was the case decided by the Centumviri, in the cause between the patrician families of the Claudii and the Marcelli? When the Marcelli claimed an estate in right of descent from the son of a freedman, and the Claudii pretended that the same estate ought to revert to them by a family right derived from a patrician of their name; in such a cause, were not the pleaders to explain the whole system of the rights of succession and family? What do you say of another dispute I have heard of before the same court of the Centumviri? A man during his banishment had come to Rome, and claimed the protection of the Roman laws relating to banished persons; he had then applied himself to somebody to be, as it were, his patron, and then died intestate; in such a cause, are not the obscure and unknown laws relating to application* to be laid open in the trial,

* *Laws relating to application*]—The clientships among the Romans constituted a part of the estate of a great man. There is a remarkable passage upon this head in Aulus Gellius, which gives us a clear view of the subordination of civil relations among the old Romans; the first relation next to that of son and father, says he, is that betwixt a guardian and his ward; the second, that betwixt a patron and his client; the third, that betwixt a landlord and his guest; lastly, those of kindred and alliance. But the words of Gellius contain somewhat so express and diffusive that I cannot omit giving them to the learned reader, who I believe will agree that there are few more curious passages in all antiquity.

Conveniebat autem facile, constabatque, ex moribus populi Romani, primum juxta parentes locum tenere pupillos debere fidei tutelæque nostræ creditos; secundum eos proximum locum clientes habere, qui sese itidem in fidem patrocinium que nostrum dedidissent: tum in tertio loco esse hospites; postea esse cognatos affinesque. Hujus moris observationisque multa sunt testimonia documentaque in antiquitatibus perscripta. Ex quibus unum hoc interim, de clientibus cognatisque, quod præ manibus est ponemus. M. Cato in oratione, quam dixit apud censores in Lentulum, ita scripsit? "Quod majores sanctius habuere defendi pupillos, quam clientem

and explained by the advocate in his pleading? What do you think of a late instance, when I pleaded the cause of C. Sergius Aurata against our friend Antonius here in a private trial? Did not the whole import of my defence turn upon the civil law? For when Marius Gratidianus had sold the house to Aurata, without expressing in the deed of freehold that any part of that house was to be subjected to servitude; I pleaded, that whatever loss might arise by omitting this reservation, it ought to fall upon the seller, if he knew of any such servitude annexed to the purchase, and omitted to express it. In these kind of actions my friend M. Bucculeius, who is no fool in my conceit, and a very wise man in his own, with no aversion to the law besides, in some respect committed a blunder lately upon a like occasion. For when he sold a house to L. Fufius, reserving in servitude the doors and windows in the state they were then in, somebody began to build a house in a different quarter of the city, in a place that could be but just discerned from the other house; but he had no sooner begun to build than he went to law with Bucculeius, and insisted on it, that his lights could not, in the terms of their agreement, remain in the same state, if one straw's breadth of the horizon was intercepted, be the distance ever so great. But what shall I say of that great cause betwixt Manius Curius and Marcus Coponius, that was lately pleaded before the Centumviri, and a vast multitude in court, all curious to know the event? When Q. Scævola, my equal and colleague, the man in the world who is best acquainted with the practice of the civil law, of the quickest discernment and genius; his style remarkably smooth and polite; and, as I used to say, of all great lawyers, the most of an orator, and of all great orators the most of a lawyer; when such a man as he defended the validity of wills from their letter, maintaining, that unless the posthumous child expressed in the will of the deceased

"*non fallere? Adversus cognatos pro cliente testatur; testimonium*
"*adversum clientem nemo dicit: patrem primum, deinde patronum*
"*proximum nomen habere.*" Gellius Noct. Att. l. v. c. 13.

was born, and then dead before he was of age, that the person named in the will as succeeding to the posthumous child, who should thus be born and die, could not be the heir. I pleaded for the intention of the will; and that the meaning of the deceased testator must have been, that if he had no son come to age, then Manius Curio was the heir. Did not we in this cause persist in quoting authorities, precedents, disputing upon the nature of wills, I mean the essential part of the civil law?

CHAP. XL.

I SHALL at present pass over other numberless instances of very important causes; nay, it may often happen that our capital causes* may turn upon the civil law. Thus Publius, the son of M. Rutilius, the tribune of the people, ordered Caius Mancinus, a man of the first quality, worth, and of consular dignity, to be turned out of the senate; because, to avoid the execution of a hated convention he had made with the Numantines, he had been delivered up to them by the presiding herald; and upon their refusing to receive him, he had made no scruple of returning home, and taking his seat in the senate. The opposition of the tribune was founded on a received tradition, that a person sold either by his father or the people, or delivered up by the presiding herald, has no right to reclaim his privileges. Can we in all the system of civil polity find a more important cause or dispute than that upon the rank, the privilege, the liberty, and the reputation of a consular person? Especially as it was not pretended that he was under any disability arising from his own demerit, but from the constitution

* *Capital causes*]—The English reader is often imposed upon by this expression in Roman authors. Therefore it may be necessary to take notice, that in very few instances the life of a Roman citizen could be attacked. The word *caput* here does not mean the natural life, neither did the expression *capitalis causa* import a capital cause in our sense of the words. *Capitalis*, says Modestinus, *Latine loquentibus omnis causa existimationis videtur.* That is, whatever cause could in its event affect the honour and reputation of a person, such cause was *capital.*

of the civil law. Of a like, but a less important nature is the case of a native of a confederate state, who had been a slave here, and then obtained his freedom, and returned to his own country; it was in that case a doubt with our ancestors, whether such a person could reclaim his rights in his own state, and whether he had not forfeited the privileges of this city. But as I am now speaking of liberty, than which no more important cause can be tried, may it not become a question in the civil law, whether a man who is rated by the consent of his master, becomes not thereby, upon making up the rolls,* free? Was there not a case that actually happened in the last age, when the father of a family came from Spain to Rome, leaving his wife big with child; he without any intimation to his wife, marries another at Rome, where he dies intestate, leaving behind him a son by each wife; was it any easy point that came in this case to be disputed? Here arises a question upon the rights of two citizens, I mean the latter son and his mother, who must have been deemed a concubine, had it been found upon the trial that a certain form of words, and not a new marriage, were necessary to constitute the validity of a divorce from the former wife. Must not a fellow therefore be a most eminent scoundrel, who shall strut about, with a face of gaiety and assurance, throwing his eyes first

* *Upon making up the rolls*]—This passage is proposed by some annotators as a very curious field for criticism. The original is *ubi lustrum conditum*. Camerarius informs us, that he saw a very old copy, where the old passage runs thus. *Cum quæritur is qui domini voluntate census sit, si non conditum lustrum sit, sit ne liber? Et continuone an tribus lustris conditis liber sit.* I shall leave the discussion of the authority of the two readings to those who are inclined to pursue the matter further; it is sufficient to take notice here, 1st. That if a person was upon the rolls of the Census, it would appear that at the time of making up those rolls, every person whose name was contained in them could, and upon any future occasion might, have appealed to them for proofs that he was then a Roman citizen: for this see Cicero's oration for Archias the poet. 2ndly. It would appear from his oration for Cæcina, that though a man was a slave, his being enrolled in the Census rendered him free. These two considerations seem to determine the reading of this passage as I have translated it. *Condere lustrum* was no other than finishing the rolls, at which time, we see by Livy, certain plays were celebrated.

to one side, and then to another, swaggering over all the forum with a vast train, offering and tendering protection to his clients, assistance to his friends, and the guidance of his illuminated understanding and advice almost to all Rome, yet shall be ignorant of these and such like laws of his own country?

CHAP. XLI.

HAVING discussed the impudence, I must now have a touch at the laziness and indolence, of mankind. For, granting the knowledge of the civil law to be an extensive, thorny study, yet its vast utility ought to spur mankind to undertake the fatigue of studying it. Yet, in the mean time, immortal gods! (I should not say this in the hearing of Scævola, had not he himself used to own it) there is not an art the world more easily attained to. I own, that the general opinion for certain reasons is otherwise; first, because your ancient practitioners, who are the head of this profession, that they may retain and increase their influence, do not care to have their art made common. In the next place, after it had been published, and the process of it explained by Cn. Flavius, nobody could reduce his artful digest into a methodical order. For nothing can be reduced into an art, unless the person who attempts it, besides knowing the principles which he wants to reduce, has skill enough to strike an art out of principles that have never been reduced to one. I was willing that the brevity with which I have explained myself upon this head should lead me into a little obscurity, but I will endeavour if I can to explain my meaning.

CHAP. XLII.

ALMOST all the principles that are now reduced into arts were formerly dispersed and dissipated. Thus in music; tunes, sounds, and measures: in geometry; lines, figures, spaces, magnitudes: in astronomy; the revolution of the heavens, the rise and setting, and

motions of stars: in grammar*; the reading of poets, an acquaintance with history, the import of words, a certain manner of articulation: and in our profession of eloquence; invention, embellishment, arrangement, memory, action; all these formerly were unknown, or they seemed too widely dissipated to be reduced into a system. Therefore, a certain art taken out of some other system, and which philosophers challenge for their own, was employed to cement, and by a certain method to combine, the matter that thus lay in a disjunction and confusion. Let us, therefore, lay it down, that the sum of the civil law is the preservation of just and impartial equity in deciding upon the interests and properties of fellow-citizens. Its heads are then to be marked, and to be reduced into a certain number as small as possible. Every head comprehends two or more parts, with certain properties in common, but differing in their species; and each part is ranged under those heads from which they are derived. And definitions must be laid down, expressing the force appropriated to every term, whether it relates to the heads or the parts. A definition again is a short and limited explanation of the properties of the thing which we want to define. I should give examples of these particulars, were I not sensible before whom I speak: I shall now comprehend what I proposed in as short a compass as I can. For were I at leisure to do what I have long meditated; should any one while I am busied set about it, and when I am dead accomplish it; first, to digest the whole civil law into its different heads, which are but very few; and then to branch out these heads, as it were, into so many members; and next define the power that is appropriated to each; then shall you have a complete system of the civil law, less difficult and obscure than important and diffusive. And yet, in the mean time, while what is now dissipated is a connecting, let us be enriching the noble study of the civil law with what we can pick up and gather in ranging through all quarters.

* *Grammar*]—It appears that the ancients, by the study of grammar, meant the study of what we call the *Belles Lettres*.

CHAP. XLIII.

HAVE you never taken notice that C. Aculeo, the Roman knight, who now lives, and ever has lived with me, a man whose genius is formed to excel in every art, but who has very little studied any other than this, is now so much master of the civil law, that when you leave this company you shall find none of those, who are at the head of the profession, beyond him? For every thing in it is plain to your eyes, to be found in daily practice, the conversation of mankind, and the forum, rather than in a multitude of volumes, and extent of reading. For the same principles were, by a great many, published in words; then, by the alteration of a few terms, they were transcribed again and again by the same authors. There happens another encouragement and assistance, that is taken very little notice of in the study of the civil law, which is the great pleasure and satisfaction * one has in knowing it. For if a man is in love with other studies, he has a strong picture of antiquity through the whole of the civil law, in the books of the priests, and the laws of the twelve tables; since he thereby learns the old signification of words, and certain kinds of actions instruct him in the practice and history of our ancestors. If a man is intent upon the study of civil polity, a study which Scævola says

* *The great pleasure and satisfaction*]—I believe Crassus may have the suffrage of all succeeding ages for what he has advanced here. There certainly never was so excellent a digest of laws formed, as was that of the twelve tables, for securing property; and had the public liberty obtained as strong a barrier, the constitution of the Roman government, in some sense, might have been said to be immortal. In the mean time, though we justly wonder at the neglect which, as appears from the words of Cicero, prevailed at Rome, with regard to this study, we perhaps in England are as defective as to the civil law. This is a most miserable omission in the education of young gentlemen who have a prospect of being one day members of the British legislature, where the most important points as to peace and war turn upon the principles of the civil law, and where even many private causes and matters of right that come before them, can never be either understood or decided but by a knowledge of the civil law; in short, what Cicero here puts into the mouth of Crassus is but too applicable to our own time and country.

belongs not to an orator, but to a different branch of knowledge, he sees all of it comprehended in the twelve tables, where the whole system of civil duties and dependencies is described. Or, if a man is enchanted with the resistless power of specious philosophy, I will boldly venture to say, that the source of all his disputations is contained in the civil law. For it is by this that the greatest dignity is to be acquired; when we see sincere, just, and honest endeavours crowned with honours, rewards, and distinctions; while the vices and frauds of mankind are punished with loss, disgrace, fetters, whips, banishment, death. And we are taught, not by disputations, endless and full of quibbling, but by the authority and sanction of the laws, to subdue our passions, to check all our affections, to guard our own property, and to refrain our thoughts, our eyes, our hands, from that of another.

CHAP. XLIV.

Let them all take it ill if they please, but I will speak what I think. By heaven! in my eyes, the single volume of the laws of the twelve tables, with regard to the source and principles of equity, is preferable to the libraries of all the philosophers that ever lived, both as to the weight of authority and extent of utility. But, if the love of our country is, as it ought to be, our ruling passion; a passion that is so strong and so natural, as to induce the wisest of mankind* to prefer his Ithaca, (which, like a little nest, is perched upon a cluster of crags,) to immortality itself: with what a passion ought we then to be fired for a country that has the pre-eminence over all other countries, of being the seat of valour, empire, and dignity! It is the sense, the manners, the government of this country that we ought first to be acquainted with, both because she is our common parent, and because we ought to presume that the plan of government

* *The wisest of mankind*]—Our author here means Ulysses, whose ruling passion, according to Homer, was the love of his country, which, according to some critics, was not near so contemptible as Cicero makes it appear in this passage.

upon which her constitution was founded, discovers equal wisdom with that conduct by which her power has been reared. You will be able, likewise, to discover the joy and satisfaction arising from the knowledge of the law, since you may easily perceive how much our ancestors, in sagacity, excelled the rest of the world, if you please to compare their system of laws with those of Lycurgus, Draco, and Solon. For it is incredible how uncouth, and almost ridiculous, all other systems, besides our own, are. I used to have a great deal of discourse upon this subject every day, while I prefer the sagacity of our countrymen to that of all other nations, especially the Greeks. For these reasons, Scævola, I affirmed, that the knowledge of the civil law is necessary to those who want to be accomplished orators.

CHAP. XLV.

GIVE me leave now to observe, that nobody can be ignorant how much honour, interest, and dignity it communicates to those who are at the top of the profession. Therefore, as in Greece, the meanest of mankind hire themselves out for a pitiful fee, as assistants to an orator in a trial, and are by them called πραγματικοὶ, journeymen; on the contrary, in Rome, every man of the greatest quality and figure, like Ælius Sextus, whom, for his knowledge of the civil law, a great poet called A MAN,

With the best heart, and with the wisest head,

with a great many others, who, though they raised themselves to dignity by their genius, yet, by their practice in the law have found that their authority was of more weight than their abilities. Can a more honourable shelter be found, under which we can pass an old age with dignity and lustre, than the study of the law? For my own part, I own that this is a relief which I have provided even from my youth, not only with a view to my practice at the bar, but even to grace and embellish my old age; that when, as the time now draws near, my strength shall fail me, I may shut out from my house that solitude which is gene-

rally the concomitant of years. For what can be more honourable than that an old man, who has discharged the honours, and the duties he owed to his country, should boldly say with the Pythian Apollo in Ennius; that he is such a one as, if, I will not say all people and princes, but his countrymen, do not ask his advice, they must be

Uncertain as to their own affairs; but by my assistance I dismiss those who came to me in doubt, undoubting, and masters of the measures they ought to pursue; that they may not rashly plunge into perplexed matters?

Now it is past question, that the house of a lawyer is the oracle of the whole city. For the truth of this I appeal to the gate and the avenue of Quintus Mucius, which, in his valetudinary state, and advanced old age, is now the daily resort of multitudes of citizens, and frequented by men of the greatest quality.

CHAP. XLVI.

WHAT I am now going to say does not require any long harangue; that an orator ought to be acquainted with the public acts that relate to matters of state and government, and likewise with the records of history, and transactions of antiquity; for as while he pleads in private causes and trials he must often have recourse to the civil law, and therefore, as I said before, that knowledge is necessary to an orator; so in public causes that come before our courts, assemblies, senates; all this history and that of antiquity, the weight of the public laws, together with the system and science of government, ought to be as intimately known to those orators who are conversant in the commonwealth, as if they were the grounds of their study. For what we are now in search of is not an ordinary pleader, nor a bawler, nor a pettifogger, but such a man as may be the high priest of this art, a man who, notwithstanding the lavish endowments nature has bestowed upon mankind, shall appear to be a god; one whose qualifications, as a man, shall not seem to have been formed upon earth, but the peculiar gift of heaven:

one, who dignified by the name of an orator, and not the ensigns of a herald, can walk unhurt through the array of his enemies: one, whose tongue can expose to the hatred of his countrymen, and to punishment, fraud, and guilt; and under the protection of his genius can free innocence from the penalties of the law: who can rouse a spiritless, desponding people to glory, reclaim them from infatuation, point their rage against the wicked; or sooth their resentment, if exasperated at the worthy. In short, one who by his eloquence can either awaken or compose all the emotions of the human soul, from whatever motive or cause they may proceed. It would be an egregious mistake in any man to imagine that this power has been explained by those who have written upon eloquence, or can be by me in this narrow compass; such a man must not only be unacquainted with my insufficiency, but even with the greatness of the subject. It is true, since you insisted on it, I have pointed out in the method I thought most proper, the fountains from whence you may draw, and the roads that lead to, this study; not that I pretend to conduct you in person, for that would be an infinite and a useless labour; I for my part have shewn you the way, and, as is usually done, pointed with my finger to the fountains.

CHAP. XLVII.

SURELY, replies Mucius, to me it appears that you have done enough, and more than enough, to further them, if they are really studious; for, as the famous Socrates used to say, he had gained his end, if, by his instruction, any person was effectually spurred to endeavour at the knowledge and discernment of virtue; because, whoever is once in earnest in preferring no character to that of being a worthy man, will find very easy work in all the remaining part of the study; in like manner I am persuaded, that if you have a mind to enter into those principles that Crassus has explained in his discourse, that from this open avenue and door, you will easily reach the attainments you aim at. It is true, answers Sulpicius, that what we have heard,

lays us under great obligations, and gives us great pleasure. But we are at a loss, Crassus, for a few things more. And in the first place, as to those points which you very slightly touched upon, with regard to the art itself; since you owned, that you were so far from disregarding them, that you had studied them. If you will explain those a little more fully, you will satisfy every wish of our longing passion: for now we have heard what things we ought to study; a point, indeed, of great consequence; but we further wish to be acquainted with the roads and method leading to these objects. What, replies Crassus, if we should apply to Antonius, who, a little while ago, complained that a pamphlet had dropt from his pen upon this subject, to explain what he still keeps in reserve, and what is yet unpublished, and declare to us the mysteries of eloquence; because, what I have said, has been to engage you more easily to stay with me, and in compliance rather with your pleasure, than my own custom and nature? As you please, answers Sulpicius; for, from what Antonius shall deliver, we shall learn your sentiments. Then, says Crassus, we desire Antonius of you, since that burden, by the requests of these young gentlemen, is thrown upon persons of our years, that you explain your sense of what you perceive is the matter in question.

CHAP. XLVIII.

Why really, says Antonius, I perceive very plainly that I am caught; not only by my opinion being asked, as to points in which I have neither knowledge nor experience, but because they will not suffer me now to get off from the thing in the world I have always most avoided at the bar; which was, speaking after you, Crassus. But I will enter the more boldly upon the task you impose upon me, from this consideration, that I hope the same thing will happen to me in this discourse, as usually happens to me at the bar, that no embellishments of language are expected; for I am not now to speak of an art I never learned, but of my own practice; and the very observations I

have entered into my common-place book are of such a nature; they were not imparted to me by any study, but employed in the practice of business and causes: if they are not approved by men of your great learning, you must blame your own unreasonableness in demanding to know from me what I did not know myself. At the same time, you ought to do justice to my complaisance, since, not from my own choice, but to oblige you, I so readily obey your commands. Says Crassus, do you, my friend, only proceed; I will venture to answer for it, that you will deliver nothing but with so much good sense, as will give us no reason to repent of our having forced you to talk upon this subject. For my part, replies the other, I will proceed, and do what in my judgment ought to be previously done in all disputes; which is, that the subject of dispute should be cleared up, lest the debate should be obliged to wander, and go out of the way, if the disputants have not the same notions of their subject. For, supposing it were asked, what is the art of a general, I should think it right, in the first place, to fix what is meant by a *general;* who, as he is appointed, as it were, the manager of a war, we may then add what relates to an army, to a camp, to marching troops, to engagements, to sieges, to convoys, to forming and shunning ambuscades, and other matters that properly belong to the management of a war. And whoever had a turn for, and a perfect knowledge of these, I would pronounce such a man to be a general. I would bring the examples of the Africani and Maximi; and instance Hannibal, Epaminondas, and such other heroes. But were I asked who is the man, that in affairs of government has employed his experience, knowledge, and study; I would define such a man thus; the man who knows, and employs the advantages by which the welfare of a state is acquired and improved; I would insist upon it, that such a man ought to be reckoned the guardian of a government, and the source of public counsel; and here I would recommend the examples of Publius Lentulus, who once was the leading man in Rome; the elder T. Gracchus, Q. Metellus, P. Africanus,

C. Lælius, with an infinite number of others, both in Rome and other states. But if it were asked me, who can properly be termed a lawyer, I would answer; the man who knows how to give his advice upon, and to apply, in the most cautious manner, those laws, and that constitution, that private men are directed by in a state; I would name S. Ælius, M. Manilius, and P. Mucius, as men of this stamp.

CHAP. XLIX.

But, (that I may now come to the studies of less important arts,) if the definition of a musician, of a grammarian, or a poet were asked, I would in like manner explain myself as to what each of them professes; and the precise qualifications, than which nothing more can be required. In short, the philosopher himself, who alone challenges to his own power and sagacity almost the monopoly of all good qualities, may yet be defined as a person who endeavours at the knowledge of the powers, the nature, and the principles of all subjects, divine and human, with the possession and practice of the whole system of living well in the world. But as to the orator, since he is the immediate object of our inquiry, indeed I do not conceive him to be such a person as Crassus would have him; for he seems to me to engross to the single duty and profession of an orator, the whole compass of knowledge and arts. At the same time, I think he is a person who, in causes at the bar, and such as are common, knows to adapt to his pleading the words that have the happiest effect upon the ear, and those expressions that are most suited to render his cause probable. Such a man I define to be an orator; and I would, at the same time, have him master of accent, action, and a certain species of wit: but our friend Crassus seems not to confine an orator to the bounds of that art, but to those of his own genius, which is next to infinite. For his discourse put into the hands of an orator the helm of government; and I own, Scævola, I was a good deal surprised that *you* granted him this concession; for I have very often seen the senate brought in by a very short home-

spun speech of yours to agree with you upon the most important affairs of state. But if M. Scaurus, who I hear is at his country seat not far from this, a man deeply seen in the affairs of government, were to hear you, Crassus, challenge to yourself all the weight of his dignity and political knowledge, take my word he would soon be with us in person, and by his look and air frighten us out of all this prating. For though he is no contemptible speaker, yet in matters of consequence he trusts more to his good sense than his eloquence. Give me leave to say further, that supposing a man possessed of both accomplishments, supposing him a leading man in public debates, and an excellent senator, he may not for all that be a good orator; or supposing another possessed of eloquence, and at the same time of political knowledge, no part of his knowledge is the consequence of his skill in speaking. These qualities are widely different, disjoined and separated from each other, nor did M. Cato, P. Africanus, Q. Metellus, and C. Lælius, who were all of them eloquent men, by the same means attain to their excellence in speaking, and their dignity in government.

CHAP. L.

For there is no prohibition, either from the nature of things, or from any law or custom, to hinder one man from being master of no more than one art. If Pericles therefore was a most eloquent man, and at the same time the leading man in all the public deliberations of the state for many years; yet we are not from thence to conclude that his abilities in both are owing to the same cause. Nor if P. Crassus was a good speaker and lawyer at the same time, that the knowledge of the civil law is therefore inherent to eloquence. For if every man who is eminent in some one art or profession, shall likewise associate with that another art, the consequence will be, that the art thus associated shall seem but, as it were, a branch of that art in which he is eminent, Otherwise, we may pretend, that to play at tennis, and the twelve pebbles, is a property of the civil law, because P. Mucius is

very dexterous at both. And by the same rule, the gentlemen whom the Greeks term φυσικοὶ, naturalists, ought to be accounted poets, because Empedocles the naturalist wrote a very fine poem. Even the philosophers themselves, who pretend to engross every thing as their own and peculiar to their profession, dare not maintain that geometry and music are the qualities of philosophers, because it is allowed that Plato was in the highest degree master of those arts. However, if you will insist upon subjecting all arts to eloquence, you had much better say, that as eloquence ought not to be hungry and naked, but bespangled and diversified by, as it were, a pleasing medley of different subjects, he is a good orator who has taken in many objects with his ears, many with his eyes, and run over a vast number in thinking, reflecting, and reading. That he does not possess them as indispensable, but as auxiliaries to his own profession: for I own that an orator ought to be an artful kind of a fellow, no novice, no blunderer, no foreigner, no stranger in the management of affairs.

CHAP. LI.

Nor indeed, Crassus, am I at all affected with these pathetic touches of yours, with which the philosophers make so much ado; *I mention this*, because you said that no man could either inflame, or, when inflamed, allay the passions of an audience, effects by which the chief power and importance of an orator is discerned, but a man who has a clear insight into the nature of things, the manners and views of mankind; in which case, philosophy becomes the necessary study of an orator; a study in which we have known men even of the most consummate genius, and the greatest leisure, waste their whole lives; men, whose variety and extent of knowledge and learning I am so far from despising, that I admire them; but, as for us, whose business lies with this people, and in the forum, it is sufficient for us to know and talk of just so much of the manners of mankind as may show us to be no novices in the ways of the world. For did ever any

great or grave orator, when he wanted to render the judge angry with his antagonist, boggle at this, because he did not know whether anger was a heat of the mind, or the desire of punishing resentment? Was there ever a man, who, when he wanted to raise a whirl and agitation in the other affections of the soul, either in judges or people, expressed himself in the same terms which philosophers use? some of whom say that the mind ought not to be susceptible of any emotions, and that they who in pleading touch the passions of the judges are guilty of detestable practices. Others of them, who want to appear not so rigid, and to accommodate themselves to real life, maintain, that the emotions of the mind ought not to be very violent, or rather, that they ought to be very gentle. But an orator, by his expression, magnifies and aggravates every thing, that in the common practice of life, is, of itself, evil, troublesome, and to be avoided. At the same time, he amplifies and embellishes, by his eloquence, those objects which to the generality of mankind are inviting and lovely: nor does he want to be thought so very wise among fools, as that his hearers should take him either for a coxcomb or a Greekling; for while they approve of the genius, and admire the good sense of the orator, they will take it very ill that they are treated like a pack of fools. But he roves through the passions of mankind; he so tunes their affections and senses as not to want the definitions of philosophers, or to make any disquisition whether the chief good is seated in the soul or the body; whether it is to be defined by virtue or pleasure, or whether these two can unite or coalesce: he is much further from entering into an inquiry as to the opinion which some hold, that we can have a certain knowledge or thorough comprehension of nothing: all these are points, I confess, of great and extensive learning, and admitting of many copious and various reasonings. But, Crassus, we are in search of a different, a very different, subject; we want a clear-headed man, artful by nature and practice; one who has good sense enough to trace what are the wishes, the sentiments, the opinions, and the hopes of his countrymen, and the

persons to whose understandings he addresses his discourse.

CHAP. LII.

He ought, as it were, to possess the springs of every kind, age, rank, and to enter into the minds and affections of those with whom he either deals, or is to deal. But as to the writings of philosophers, let him reserve those to the leisure and repose of a Tusculan retirement such as this; lest if he should at any time be obliged to speak upon justice and honour, he should borrow from Plato; who, in endeavouring to explain these points in his writings, created a new kind of a state, to be found only in his books; so widely did his sentiments of justice differ from the customs of life, and the manners of states. But if these maxims are to be approved of by states and people, who, Crassus, would have pardoned you, a man of the greatest eminence, and of the greatest interest in the state, for expressing yourself in this manner in a very great assembly of your countrymen? *Deliver us from our* CALAMITIES;* *deliver us out of the* JAWS *of those whose cruelty cannot be satiated with our blood; suffer us not to be* SLAVES *to any but you all, to whom we both can pay and do owe submission.* I do not touch upon *those calamities*† into which, as they maintain, a brave man cannot fall. I do not take notice of those jaws, from which you wanted to be delivered, lest your blood, by an iniquitous proceeding, should be sucked out; a circumstance which, according to them, cannot happen to a wise man; but you ventured to go so far as to say that not only you, but all the senate, whose cause

* *Deliver us from our calamities*]—These are the words of Crassus in an oration which he pronounced before the people upon a difference that happened betwixt the senators and the knights. This fragment is sufficient to show the distress to which the senate was reduced upon that occasion.

† *I do not touch upon those calamities*]—The reader in this, and many other passages, will perceive, that Cicero alludes to the opinion of the stoics, who admitted of no mediocrity or trimming in principles, and made no allowances for passions and circumstances.

you were then pleading, were *subjected.* Can virtue, my friend, be subjected according to those authors whose dictates you comprehend in the office of an orator? virtue, the only thing that is eternally free; virtue that, while bodies are captive by the chance of war, or pinioned in fetters, ought still to assert her own authority and unquestioned liberty in every circumstance. But what did you say further? that the senate not only could, but ought to be the slaves of the people. What philosopher is so effeminate, so spiritless, so absolutely dependent upon bodily pleasure and pain for happiness or misery, as to admit of this doctrine? That the senate should be the slaves of the people, they to whom the people have entrusted, as it were, the reins and checks of government over themselves?

CHAP. LIII.

THEREFORE I say, I thought that while you spoke this, you spoke divinely, but P. Rutilius Rufus,* a learned man, and one who has applied to philosophy, maintained that what you said was not only unseasonable, but scandalous and profligate. The same person used to blame Servius Galba,† whom he said he remembered very well, because, upon an action brought against him by L. Scribonius, he had worked the people to compassion, when M. Cato, the severe and implacable enemy of Galba, declaimed against him with great bitterness and vehemence before the people, in a speech which he himself has published among his antiquities. The circumstance, however, for which Rutilius blamed Galba, was because he had reared almost upon his shoulders the young son of Caius Sulpicius Gallus, who was his relation; and thereby drew tears from the people, upon their remembering how dear his father had been to them; and recommended himself and his two infant sons to the guardianship of

* *P. Rutilius Rufus*]—Cicero has here introduced the character of a true stoic in the person of this Rutilius.

† *Servius Galba*]—This Galba was a very artful, cunning, fellow; when he was governor in Spain he was guilty of great oppression and cruelty, and therefore impeached upon his return.

the Roman people; and had made a kind of a soldier's will; by which, without observing any of the usual formalities, he had left the people of Rome the guardian of their orphan state. Rutilius said, that by those touching circumstances, though Galba was both hated and detested by the people at that time, he was acquitted; and I find the same thing said in the writings of Cato, who observes that, had it not been for the children and his tears, he had certainly been condemned. Rutilius expressed great indignation at all this, and said, that banishment, nay death itself, was preferable to such meannesses. Nay, he not only said it, but proved by his practice, that he thought as he spoke; for (though you know it) he was a mirror of innocence, and though no man in Rome had cleaner hands, or a purer heart, he not only refused to be a suppliant to his judges, but to make use of any ornament or liberty in his defence, other than the simple language of truth. He allotted some part of his defence to Cotta, a most eloquent youth, the son of his sister. Q. Mucius likewise had some share in that defence, and spoke in his own way, without pomp, but with purity and perspicuity. But if you, Crassus, who a little while ago maintained that an orator, in order to accomplish himself in eloquence, must have recourse to the disputations of philosophers, had then pleaded; and had you been at liberty to have spoken for Rutilius, not as a philosopher, but in your own way, as an orator; though those ruffians had been, as they really were, the plagues of the state, and deserved severe punishment; yet the power of your eloquence had rooted all the hardened guilt from the very bottom of their souls; now we have lost the man who, in making his defence, spoke as if he had been tried in Plato's Utopian commonwealth. Not a groan was heard; not a rapture of approbation broke from any of the advocates; not a pang was felt; not a complaint put up; nobody implored the state; nobody interceded for the accused. In short, nobody so much as stamped on the ground with his foot; for fear, I suppose, lest it might give offence to the stoics.

CHAP. LIV.

THIS consular Roman imitated the famous Socrates who, as he possessed the greatest wisdom and purity of any man alive, when he was tried for his life, spoke in such a manner, that he appeared not as a suppliant or a prisoner, but the lord and the master of his judges. Insomuch, that when Lysias, that most eloquent orator, had brought him an oration ready penned, which, if he pleased, he might have got by heart, and repeated in his defence; he cheerfully read it, and owned that it was prettily written; but, said he, if you brought me Sicyonian shoes that were very neat, and just fitted me, I should refuse to wear them, because they do not become a man; so I think that this oration is eloquent and rhetorical, but not strong and manly. The consequence of this was, that he too was condemned; not only in the first votes, by which the judges only determine whether they shall condemn or acquit, but in the sentence which, by their laws, they are afterwards obliged to pass. For at Athens, when the accused was condemned, if it was not for a capital fault, the punishment admitted, as it were, of a valuation. When, in consequence of the first sentence, the accused was left to the power of the judges, he was asked what he could chiefly plead as a plea for the mitigation of his punishment? Socrates being asked this question, answered, that he deserved to be distinguished with the highest honours and rewards; and that victuals should be publicly and daily served up to him in the Prytaneum*; which in Greece is looked upon as the highest mark of honour. This answer so much exasperated the judges, that they condemned to death that most innocent person, who, if he had been acquitted, (which I own is nothing to us, however I wish, on account of his great genius, that he had), how can we bear with these philosophers, who now (though Socrates was condemned for no other crime but his want of eloquence) pretend, that all the

* *Prytaneum*]—This was a place in Athens where their public affairs were transacted.

rules of speaking are to be sought from them? I will not dispute with them about the superiority or truth of the two professions, I say only, that eloquence is different from philosophy, and may, without it, be perfect.

CHAP. LV.

For now I perceive, Crassus, why you so violently extolled the civil law; while you were speaking of it, I did perceive it.* In the first place, you put yourself under the tuition of Scævola, whom we have all of us the greatest reason to love, for his exceeding sweetness of temper. His art, which you found undowered, unattended, and undressed, you enriched by the wealth and ornament of words. In the next place, as you had bestowed a great deal of pains and labour upon this art, while Scævola was the prompter of your studies, and your domestic tutor, you were afraid, if you did not exaggerate its praise by your eloquence, that you had lost your labour. But I do not even find fault with that art; let it have all the importance you have ascribed to it. For without doubt it is great, diffusive, generally interesting, highly honoured, and our most eminent citizens are now at the head of that profession. But take care, my friend, while you want to dress the study of the civil law, lest you strip and bare it of those ornaments that are appropriated to it. Now, if you had expressed yourself so as that the professions of law and eloquence were reciprocal, then you should have laid the foundations of two eminent arts, equal in themselves, and sharing the same dignity. But, by the argument you just now formed, you confessed that a man may be, as many have been, a lawyer, without that eloquence which is the subject of our present inquiry; but you deny that without the knowledge of the civil law it is possible to form an orator. Thus, you make a lawyer in himself nothing, but a sly cunning limb of the law, a crier of actions, a bawler of forms, and a word-catcher. But,

* *I did perceive it*]—There is a difference in reading here; some copies have it *tum quum dicebas* non *videbam*.

because an orator in his pleading often makes use of law, therefore you have joined the study of the law to that of eloquence, as if the former were the waiting-maid of the latter.

CHAP. LVI.

But, as you have expressed your surprise at the impudence of those advocates, who with very little knowledge make very great professions, or in causes presume to treat of the most important points in the civil law, though they are both ignorant of them, and never have learned them; both these seeming absurdities may be very easily and readily defended. For we are not a bit surprised that a man who is ignorant of the very forms of a contract, should be capable of defending a woman who has been contracted; though the art of navigating a great and a small vessel is the same; yet it does not follow that a man who is ignorant of the form of drawing up an agreement, should for that reason be incapable of pleading a cause upon the distribution of the estate of a family. As to your bringing as instances some of the principal law causes tried before the court of the Centumviri, what cause among them all could not have been very eloquently spoken to by a man of eloquence, though unskilled in the law? In all those causes indeed there was a very great disagreement of opinion among the greatest men of the law; especially in that of Manius Curius, which was lately pleaded by you; in the case of C. Hostilius Mancinus, and of the boy who was born of a second wife, without any intimation of the father's intention to marry being sent to the former wife. I should, therefore, be glad to know what assistance the knowledge of the law can be of to an orator in those causes wherein the lawyer, who has the superiority, succeeds not by means of his own, but of a foreign profession; I mean he is supported, not by his skill in law, but by eloquence. Indeed, I have very often heard this, that when Publius Crassus stood for the edileship, and was favoured by Serv. Galba, who was his elder, and of consular dignity,

because he had contracted the daughter of Crassus to his own son Caius, that a certain country fellow applied to Crassus for his advice: after he had taken Crassus aside, and laid the matter before him, he was dismissed with a very just answer, but less favourable than the situation of his affairs required: that when Galba saw him look melancholy, he called him by name, and asked him what the nature of the case was upon which he had consulted Crassus? After the man had told him with a visible concern what it was; I see, answered Galba, that Crassus hath given you his opinion while his mind was perplexed and busied. He then took Crassus by the hand; hark ye, says he, how did you take it in your head to give such an opinion? Then that great man began to insist upon it, that his opinion was right and unquestionable. But Galba, with variety and plenty of allusions, brought a great many parallel cases, and talked a good deal in defence of equity against law; that Crassus being no match for Galba, though he was a well-spoken man, but not at all comparable to the other, he ran to his books, and brought the writings of his brother Publius Mucius, and the commentaries of Sextus Ælius, as vouchers for what he advanced; yet at the same time he owned that Galba had formed a very plausible, and almost a very just, argument.

CHAP. LVII.

YET causes that are of such a nature, that no doubt in point of law can arise in them, never use to be tried in courts. For who sues for an estate upon the right of a will, which a father had made before his son was born? Nobody, because such an event sets the will aside; so that cases of this kind admit of no dispute in law. An orator, therefore, may without any blame be ignorant of this part of the law in actions, a part that without doubt is by far the greatest. But in law cases that are canvassed by men of the greatest skill in their profession, it is no difficult matter for an orator to find some authority to support the part that he defends; from which, after he has received the missile

weapons, he himself shall direct them by the force and nerves of eloquence. But (I speak this under correction of my very good friend Scævola) when you defended the cause of your father-in-law from writings and rules of law; did you not rather seize the province of defending equity, wills, and the destination of the deceased? But give me leave to say, as I was often present and heard you, you won over the greatest part of the votes by your wit, your humour, and your delicate touches of raillery. When you played upon the mighty discovery made by Scævola, and admired his penetration when he found out *that a man before he dies must be born;* when you made many collections from the decrees of the senate, from common life and common talk, not only with great subtilty, but with great humour and wit, but all tending to prove that if we are to follow the letter more than the spirit of a deed, nothing can be effected. Therefore the trial had in it a great deal of mirth and pleasantry, nor can I understand that the knowledge of the civil law was of any service to you; but the noble energy of eloquence, worked up with so graceful a spirit, was of great. Mucius himself, the defender of paternal authority, that champion, as it were, for a paternal inheritance, when he pleaded against you in that cause, what did he display that seemed to be taken from the study of the civil law? What statute did he quote? What obscurity did he clear up to the unlearned in any part of his speech? Why, the whole of his discourse turned upon this single point, that the letter of a deed ought to have greatest weight. But what is this more than every school-boy practises with his master; when in their exercises they are taught in causes of this kind, sometimes to defend the letter, and sometimes the equity of a deed? And is it likely that in the cause of the soldier,* had you either appeared for the heir or the soldier, that you would

* *Cause of the soldier, &c.*]—Pontius, who had sent his son to the war against the Cimbri, persuaded by a false information that he was there slain, appointed by his will Torquatus for his heir, and died: but his son, his lawful heir, on his return from the army, got the will to be set aside by a decree of the senate.

have placed the stress of your pleading upon the precedent of Hostilius, and not in the power and the address of eloquence that is so peculiar to yourself? Had you defended the testament you would have pleaded in such a manner as that the whole system of the law of wills should have seemed to be attacked in the trial; or had you defended the cause of the soldier, you would in your own way have raised his father from the grave; you would have placed him before our eyes; he would have embraced his son, and with tears in his eyes would have recommended him to the protection of the Centumviri. By heavens! he would have forced the very walls and flints to have wept and cried, so that the whole *uti lingua nuncupasset** should not have seemed to be written in the twelve tables, which you prefer before all the libraries in the world, but part of an old ballad.

CHAP. LVIII.

Now, to your charge of indolence against young men who neglect to study this very easy art. As for its easiness, let them look to that who, upon the very arrogance of knowing it, strut about as if they had compassed the most difficult task in the world. In the next place, do *you* look to it; for you say that it is a very easy *art*,† at the same time you owned that it was not absolutely an *art*, but that some time or other, if somebody should learn another *art* for reducing this into an *art*, then it would be an *art*. In the next place, as to its being full of delight, these gentlemen will freely make over to you all their part of the pleasure, and be contented to be without it; nor is there one amongst them, who having any thing to study would not choose to commit to memory the Teucer of Pacuvius,‡ than the statutes of Manilius upon bargains

* *Uti lingua nuncupasset*]—This was a part of law jargon that is impossible to be translated so as to give the reader any information of what is meant.

† *Easy art*]—I have purposely preserved the repetition of the word *art*, because Antonius seems to intend that it should throw the reasoning of Crassus into a ridiculous light.

‡ *Teucer of Pacuvius*]—This Pacuvius, the son of the famous

and sales. As to your opinion, that the love of our country ought to be the motive of our studying the learning of our ancestors, do not you see that the old statutes either are become obsolete, or repealed by new laws? But you think that the civil law renders men good, because it enacts rewards for virtue, and punishment for vice. I always was of opinion that if virtue can be communicated* by reason, it is to be communicated through precept and persuasion, and not by threats, force, and terrors. For even without the knowledge of any positive law we may be sensible of the beauty of this maxim, to guard against evil. But with regard to myself, whom you make an exception to, as if I were the only man who can acquit myself in causes without the least knowledge of the law, my answer, Crassus, is, that I never either studied the civil law, nor was I ever sensible of any loss for not knowing it, in those causes which I was capable of managing in our courts. For it is one thing to be an artist in a certain way and craft, and another to be neither a dunce nor a novice in common life, and the general practice of the world. Who amongst us may not make a circuit around our estates, or to look into our affairs in the country, either for profit or delight? Yet there is no man who is so void of sight and sense as to be absolutely ignorant of all that

poet Ennius, being himself an excellent tragedian, was born at Brundusium, and died in extreme old age; for, Quintilian says, he lived about ninety years. We have his epitaph in A. Gellius, b. i. ch. 24. thus written by himself, which may serve to shew his great modesty:—

Adolescens, tamen etsi properas, hoc te saxum rogat.
Uti ad se aspicias: deinde quod scriptu'st legas.
Hic sunt poetæ Marcei Pacuviei sita
Ossa. Hoc volebam nescius ne esses. Vale.

* *Virtue can be communicated*]—The Pagan philosophers, as well as the Christian divines, had their disputes upon the subject of virtue; namely, if one could be virtuous by the assistance of nature alone, without the assistance of reason, or if they both contributed. Socrates was of the last opinion, but others declared for the first, saying, that virtue depended upon the constitution of our temper. The Peripatetics followed the mean between both extremes, for they taught that there is a seed of virtue implanted in our souls that flourishes by supernatural aid.

relates to seed-time and harvest, of pruning of trees and vines, at what time of the year, and after what manner they are done. Therefore if any gentleman was to survey his estate, or to give any orders to his steward or his manager in the country upon agriculture, must he make himself master of the works of Mago the Carthaginian ?* Or ought we to be contented with the common knowledge we have acquired on this subject? Why, therefore, in like manner, may we not be sufficiently skilled in the civil law, especially as we are worn out in causes in the business and practice in the forum, so far, at least, as not to seem foreigners and strangers in our own country? But if some more obscure cause were laid before us, do you imagine it would be very difficult for us to consult with our friend Scævola, though the very people who laid their causes before us bring every thing to us ready consulted and prepared? But if the dispute shall happen upon a matter of fact, upon marches which lie at a distance, upon deeds and prescriptions, we then must study some crooked, and often some difficult points. If we are to canvass the laws or the opinions of men skilled in law, are we to be afraid, though we have not studied the civil law from our youth, that we shall not be able to make ourselves master of these?

CHAP. LIX.

But you will ask, is the knowledge of the civil law of no benefit to an orator? I cannot affirm this of any study, especially with regard to the person whose eloquence ought to adorn the different subjects he treats of; but those qualities that are indispensable to an orator are so many, so great, so difficult, that I am unwilling his application should be diverted into too many studies. How can any one deny that an orator in his attitude

* *Mago the Carthaginian*]—The author of eight and twenty books upon country affairs; which were judged to be of so great use, that Dionysius of Utica, by order of the senate, translated them into Latin. There remains to this day some fragment of the said work in the Vatican library at Rome.

and deportment while he speaks, may not be improved by the action and grace of Roscius? yet it never came into any man's head to persuade any of those young gentlemen who study rhetoric to practise the airs of a player, while they are learning how to behave. To an orator what is so necessary as a good voice? Yet nobody who wishes to speak well, shall ever have my advice to be a slave to his voice, like the Greeks and the tragedians, who for many years together declaim in their seats, and every day before they pronounce a word, in their beds gradually raise their voice, and when they have done pleading sit down and shift, and, as it were, make it go through a scale, from the sharpest to the fullest accent. Were we to follow such a practice, our clients would lose their causes as often as we attempted it, before we could get half through the scale.* But if it is improper for us to be at much pains about our gesture, which is of great service to an orator, and our voice, which of itself is the greatest recommendation and support of eloquence; and if, in improving both, we are to consult our conveniency, we are to consult the leisure which we have from our daily practice; of how much less importance is it for us to demean ourselves to making ourselves masters of the study of the civil law? which, in general, can be both understood without learning, and is so far different from these matters, in that, the voice and action cannot, upon any emergency, be brought or borrowed from elsewhere; whereas all the utility of the civil law in any cause, let us have ever so short notice, may be known either from books or its professors. Therefore, those most eloquent men have their under-strappers, who are skilled in law affairs, though they themselves know nothing of the matter, and those fellows, as you told us a little while ago, are called solicitors. But, in this respect, our countrymen take a much better method in guarding the laws and the rights of their country by the authority of the

* *Before we could get half through the scale*]—All this passage for two or three lines before can scarcely be translated; the original is *peanem aut munionem*, which probably answers to our *sol fa la*.

most eminent men. But the Greeks, if they thought it necessary that an orator himself should be skilled in the civil law, and not leave every thing to a solicitor, would never have neglected this precaution.

CHAP. LX.

As to what you say about old age being fenced against solitude, by the knowledge of the civil law, that may very well be, for they commonly make a great deal of money by it; but the subject of our inquiry is not upon what is useful to us, but what is necessary to an orator. And, because we derive from one artist in his way a great many properties resembling those of an orator; the same Roscius* used to observe, that the older he grew he would render the notes of the music, and the recitative, more slack and slow; but if he who was bound down to a certain quantity of numbers and feet studied how to indulge his old age, how much more easily may we not only relax, but even alter the whole chime? For you, Crassus, must be sensible of the multiplicity and variety of the kinds of eloquence, and I do not know but you yourself prove this, since you have long spoken a great deal more slowly and gently than you used, and yet the smoothness of this grave manner is as much approved of as all the commanding power of energy you formerly exerted; and there have been many speakers, who in the manner said to be used by Scipio and Lælius, always delivered themselves in a smooth manner, and never, like Servius Galba, rending their throats and their sides. But, supposing you are neither willing nor able to practise this at such a time of life, would you be afraid that your house, the house of such a man, such a citizen, if unfrequented by the lovers of wrangling, would be deserted by others? Indeed I am so far from that opinion, that I not only think that the comfort of old age is not to be placed in the mul-

* *The same Roscius*]—It would appear from this, and many other passages of antiquity, that the Roman players, while they were acting, spoke to certain airs of music which accompanied their voice.

titude of those who come to consult upon law affairs; but I would long for your dreaded solitude, to be as it were a harbour of repose; for I look upon leisure from company to be the most charming comfort of old age. As to the other points, even though they are auxiliaries, I mean the knowledge of history and the municipal law, the progress of antiquity,* and variety of precedents; if I at any time have occasion for these, I will borrow them from my friend Longinus, who is both a very worthy man, and extremely well versed in such matters; neither shall I be against the advice which you just now gave, their reading and hearing every thing, their applying to every commendable study, and every branch of polite learning. But, upon my word, Crassus, if they should take it in their heads to follow your dictates, I do not see what time they can have for going through them; you likewise seem to me to lay too severe a task upon gentlemen of that age, though I own it is almost necessary for their attaining to what they purpose. For both sudden practisings upon causes that are proposed, and correct, digested declamations, together with the exercise of the pen, which, as you have well observed, both finishes and directs the orator, are tasks of great difficulty; and the comparison which you mentioned one ought to make betwixt his own and foreign compositions, with the extempore practice of praising or taking to pieces; of defending or refuting, upon reading the writings of another author, is no easy matter, either for the memory or the judgment to compass.

CHAP. LXI.

But there was another thing that was quite frightful; and, upon my word, I am afraid that it will tend more to discourage than to promote this study; for you

* *The progress of antiquity*]—Cicero probably means by the expression of *iter antiquitatis*, which is in the original, the progress which the laws of the twelve tables made from one country to another, before they were digested and became the laws of Rome.

insisted upon each of us being, as it were, a Roscius in his profession; you said that what was excellent did not meet with such applause, as what was faulty gave lasting distaste; yet I do not think that our performance is examined so critically and nicely as is that of a player. To prove this, I have often seen an audience profoundly attentive to gentlemen of our profession, even though they were hoarse; because the subject itself, and the cause, fixes them; but, if Æsopus has got but a little hoarseness, he is hissed. For when people look for nothing more than to please their ears, they are shocked at every circumstance that in the least takes off from that pleasure. But in eloquence there are many properties that are interesting enough to please them; and if all of these are not of the greatest, as most of them are of great, consequence, it necessarily happens that those which are so should appear wonderful. That I may, therefore, return to our first proposition; let an orator be a person, as Crassus has described him, who knows the most proper method of persuading; but let him be confined to the usual practice of this city and forum; and quitting all other studies, be they ever so inviting and noble, let him, as I may say, night and day, be pressing to this mark; let him imitate Demosthenes, the famous Athenian, who is allowed to be a most excellent orator, whose indefatigable study and application were such, as is said, that in the first place, by habit and perseverance, he corrected the defects of nature. For having such an impediment in his speech, that he could not pronounce the R, which is the first letter of the art he was studying, he grew so perfect by his practising before-hand, that he was thought to pronounce it as well as any man of his time. In the next place, as he was naturally short-winded, yet by keeping in his breath, he came to so great perfection in speaking, that in one continued period, as may be seen in his works, he twice raised and lowered his voice. We are further told, that putting pebbles into his mouth, he used at one breathing to pronounce a number of verses with a loud voice, and that too not standing,

but walking, and mounting a steep ascent. I am, Crassus, entirely of the same opinion with you, that young gentlemen ought to be quickened to study and application by such motives as these. As for the other accomplishments, which you have collected out of different professions and arts, though you are master of them all yourself, yet I think they are quite distinct from what is properly the business and duty of an orator.

CHAP. LXII.

When Antonius had done speaking, it is very certain that Cotta and Sulpicius seemed to be puzzled to find out on whose side the truth lay. Then, said Crassus, you have formed a mechanical orator, my friend, though I do not know but that you think otherwise, and are now practising upon us that wonderful and unrivalled talent you have in confuting; a practice that is one part, indeed, of an orator's profession, but has, for some time, been taken up by philosophers, especially those who use to talk on both sides of any question that is proposed with great readiness and flow: but it never entered into my head to think that all I had to do, especially in this company, was to lay before you the qualifications of a fellow who dwells in the lower forms of a court, and never rises above what the immediate emergencies of his causes require. No, I had my eye upon a higher object, when I gave it as my judgment, that an orator, especially a Roman orator, ought to be void of no accomplishment. But as you have confined the profession of an orator within certain narrow bounds, it will be the more easy for you to explain to us what you require as to his duties and learning. But I think we may refer that to another day, for this day we have said enough: at present, let Scævola, because he proposed to go to Tusculanum, rest a little till the heat is abated, while we, since the time of the day requires it, take care of our own health. When this was agreed to by the whole company, indeed, says Scævola, I wish that I

had not made an appointment to see Lælius at Tusculanum to day; I should have heard Antonius with great pleasure; and, as he was rising, why, really, said he, with a smile, it did not give near so much pain, that Antonius pulled our profession of the civil law in pieces, as it gave me pleasure that he confessed he knew nothing of it.

END OF THE FIRST DAY'S CONFERENCE.

M. TULLIUS CICERO

ON THE

CHARACTER OF AN ORATOR.

THE SECOND CONFERENCE.

CHAP. I.

My dear brother, if you remember when we were boys, we were strongly persuaded that Lucius Crassus knew but as much as falls to the share of a school-boy, but that Marcus Antonius was void and ignorant of all learning; and there were a great many who, though they were convinced of this fact, yet that they might with greater ease divert our eagerness in the pursuit of the study of eloquence, industriously gave out what I have just now advanced; and inferred, if unlearned men were masters of the best good sense, and a wondrous eloquence, that all our labour must be in vain, and that the desire of that excellent and wise man, our father, in taking so much care of our education, was fruitless. We used, as boys, to confute those kind of reasoners, by instances within our own family, our father, and our friend Caius Aculeo, and our uncle Lucius Cicero; because our father and Aculeo, who had married our aunt, and was a great favourite with Crassus, and our uncle, who was set out in his journey to Cilicia with Antonius, told us a great deal with regard to his application and learning; and as we, with our cousins, the sons of Aculeo, were applying to those studies which Crassus approved of, and were educated by those teachers whom he em-

ployed, we understood thus much (for though we were boys we had sense enough to see this) that he spoke the Greek language so well, as that one would have thought he was master of no other tongue, and that he threw out such things to our teachers, in questioning them, at the same time discoursing of such points upon every occasion, that nothing seemed new or foreign to his knowledge. As to Antonius, though I had very often heard from my uncle, one of the best natured men in the world, in what manner he had applied himself to the conversation of the most learned men, both at Athens and Rhodes; yet, when I was but a very young man, I often put a great many questions to him, so far as the bashfulness, natural to youth, would suffer me. I own, that at present, I write nothing that is new to you; for even at that time I informed you that in many different subjects I touched upon I never found him either a novice or ignorant of any point, provided it lay in those arts of which I could form any judgment. But the characters of these two great men lay in this, that Crassus did not affect to appear so much ignorant of as to despise those points, and to prefer, upon every subject, the good sense of his own countrymen to that of the Greeks; but Antonius thought the best way to recommend his eloquence to the people was to appear as if he had never learned any thing. Thus, the one thought he would have greater weight by despising, and the other by seeming to know nothing at all of, the Greeks. As to the views which each had in this, they are nothing to our present purpose; but there is another directly answering my design on this occasion, which is, that no man ever made a figure, or excelled in eloquence, not only without studying the art of speaking, but without being master of all manner of learning.

CHAP. II.

For almost all other arts exist independently of one another, but that of eloquence, which is the art of speaking sensibly, skilfully, and beautifully, hath no

determined limits within which it can be bounded. An orator must be eloquent upon every subject that can be the subject of disquisition, if he cannot make it appear that he is capable of this, he must bid adieu to the profession of eloquence; therefore, though I own at the same time, both in our state and in Greece itself, where this profession has ever been in the highest reputation, that a great many of the finest genius, and greatest accomplishments in speaking, have appeared without being absolute masters of the whole circle of science; but that such an eloquence, such a command of expression as Crassus and Antonius were masters of, can exist without an acquaintance with every subject that belongs to so extensive a knowledge is what I flatly deny. This has made me the more freely commit to writing the conversation which they once had among themselves upon those subjects; both to destroy an universally prevailing opinion, that Crassus was not the most learned man of his age, and that Antonius was entirely illiterate: and that I may, if I can by any manner of means, preserve upon record what I thought a divine discourse concerning eloquence, which passed among the greatest of men, or, to speak plainly, that I may do all I can to rescue from oblivion and silence their glory, which is now beginning to decay. For if there were any means of being acquainted with their merit from their own writings, perhaps I should not think myself obliged to be at so much trouble; but as the one wrote very little, I mean that has come to our hands, and what he did write was when he was very young; and the other left scarcely any thing behind him, I thought it was a duty I owed to the memory of those great men, if I could, to render it immortal; since the lively remembrance of them both now dwells upon my mind. This I attempt with the greater probability of success, since I do not write any thing concerning the eloquence of Serv. Galba or C. Carbo, where I might have a fair field of fiction, because it is dead in the memory of all the world. But what I publish is well known to those who have often heard the very persons I mention; thus, I shall recommend two very

great men, to such as never saw either of them, by the evidence of those who are now alive, and upon the spot, and who have both seen and remember them.

CHAP. III.

NOR, thou dearest and best of brothers, do I insist upon it, that I should instruct you in that reading which you think unpolite; for what style can be more delicate or beautiful than yours? but because either as you yourself own, through choice; (or as Isocrates, that father of eloquence, used to say of himself) you have avoided to speak in public through bashfulness, and a certain generous modesty, or else, to make use of your own wit, because you thought that one talker was enough, not only for one family but almost for one state; but I do not think that those writings will be ranked by you in that kind, which may be deservedly ridiculed for the poverty of those authors in all the fine arts who have lectured upon the subject and study of eloquence. For it appeared to me, that nothing was omitted in the conversation of Crassus and Antonius that any man of the greatest parts, the keenest application, the finest learning, and the deepest experience, could be supposed to have known or minded: this you may easily be a judge of, as you have chosen to acquire the science and theory of speaking from your own good sense, but have left the trade to me. But that I may the sooner finish the important point I propose to handle in those pages, without any further preamble I shall proceed to the discussion of my subject. To begin then; the next day after all this passed, when it was near eight in the morning, before Crassus got out of bed, while Sulpicius was sitting by him, and Antonius walking with Cotta in the portico, old Quintus Catulus, with his brother Caius Julius,* unexpectedly came to see them. When Crassus heard this, he rose in some

* *Caius Julius*]—The reader is not to imagine that this was the famous dictator, though of the same name and family; for the dictator was not above ten years of age at the time when this conversation is supposed to pass.

confusion, and they were all in an amazement, suspecting that the motives of their visit was something more than ordinary. After their usual friendly compliments to one another had passed; well, says Crassus, I am glad to see you; any thing new? Nothing at all, answered Catulus, for you know the plays are celebrating, but I fancy you will think us very impertinent, or very troublesome. When Cæsar came last night from his own country seat to me at Tusculanum, he told me he had encountered Scævola coming from you, who told him some things that had surprised him, as that you, whom I could never by any means entice into a dispute, talked a great deal with Antonius upon eloquence, and that you had disputed almost in the manner of the Greeks, as if in a school: therefore my brother prevailed on me to come hither, though I own myself I was not very averse from hearing, but was afraid lest we should break in unseasonably upon you. For he told me that Scævola had said, a good part of the conversation was delayed to this day. If you think this was acting too forwardly, you must impute it to Cæsar; if a little too familiarly, to both of us; for it certainly gives us a great deal of pleasure to wait upon you, if our visit be not unseasonable.

CHAP. IV.

INDEED, replies Crassus, whatever was the motive that brought you hither, I am exceedingly pleased to see at my house men for whom I have so great affection and esteem; yet at the same time I speak nothing but truth, when I declare that I had rather you had been here upon any other motive than that which brought you. I can say from my heart, that I never was less pleased with myself than I was yesterday. Yet it happened rather through my good-nature than any other fault of mine; for while I was humouring the young gentlemen, I forgot that I was an old fellow myself, and I did what I had never done, even while I was young, that is, I disputed upon points of science. But one thing happens luckily enough, that my roll is played, and Antonius now appears upon the stage.

Says Cæsar then, indeed, Crassus, I am so very desirous of hearing you engaged in a long, continued debate, that rather than put up without somewhat from you, I am contented with hearing you in common conversation. I am indeed willing to try whether my friend Sulpicius, or Cotta, have more influence with you than I, and to prevail with you to extend some part of your good-nature to Catulus and myself. But if that is any way disagreeable to you, I will not press it; nor, while I dread lest you should be impertinent, will I run the risk of your thinking me so. Upon my word, replied he, Cæsar, of all the words in our language, the word *impertinent** carries with it the greatest emphasis; for the person whom we call *impertinent* claims that title from his being *not pertinent;* and this word is of great extent in our language; for the man who neither knows how to suit himself to the occasion, who speaks too much, or affects to display his parts, or has no regard to the character or conveniency of the company, or to any other respect, or who is either awkward or loquacious, that man is an *Impertinent.* This is a vice, which those very learned people the Greeks are so overrun with, that they have not even a term to express it; so that if you should make the strictest inquiry how the Greeks term *an Impertinent,* you shall be never the wiser. But of all the numberles tribe of *Impertinents,* I do not know if any are more intolerable than they who, like the Greeks, without any regard to place or persons, dispute with great acuteness upon points that are either very abstruse or unnecessary. These young gentlemen yesterday drew us in, against our wills and inclinations, to this exercise.

CHAP. V.

Says Catulus: Why, Crassus, even the Greeks, who, in their own states, were eminent and great, as you are, and we all desire to be in this country, were

* *Impertinent*]—The original is *ineptus;* I will not promise that all the Latin words that are played upon in this discourse will answer as happily in our language as this happens to do.

far from being like their countrymen, who in our days stun our ears.* But yet when they were at leisure they did not at all decline conversations and disputes of this kind; and though they who have no regard to opportunity,† to place, to the characters of mankind, may appear in your eyes in the same light of impertinence they deserve, yet at the same time doth not this place seem very inviting? Here we see a portico itself, under which we walk; here is the place of exercise; here are numbers of retiring places: all these in some measure revive in our minds the academies and schools of the Greeks. Or can this be thought an unseasonable time, when we have so much leisure; a circumstance that seldom happens, and now falls out very conveniently? Or can we be reckoned men of such characters as are averse to this method of disputation, since all of us think that these studies are the very life of life?‡ Says Crassus, I construe these things in a quite different sense: for first,

* *Stun our ears*]—Before the times of Lælius, philosophy was in no esteem at Rome. When the Romans began to study it, a great many Greeks came to Rome, in order to teach it; but being generally very empty fellows, and of no reputation in their own country, when they put themselves under the patronage of the great men of Rome, they soon fell into contempt. These are the fellows our author speaks of here. *Strebæus.*

† *No regard to opportunity*]—The reader, no doubt, by this time, begins to have some idea of the character of a great man and a fine gentleman at Rome. Cicero, we may believe, draws his character after life; but more of that in the remaining part of these notes. It is sufficient for me to take notice with what propriety he has marked the character of an impertinent, and how useful the opinion of so great a man as Cicero, in this passage, may be to the conduct of a young gentleman, full of sprightly parts, at his first setting out in life.

‡ *The life of life*]—In the Latin it is *nullam vitam esse ducamus*; that is to say, as we suppose, that we cannot live comfortably and pleasantly without the knowledge of eloquence; for so Crassus, in the remaining part of the chapter, understands the words *nulla vos esse vos, quæ vitam insuavem sine his studiis putaretis.* After the same manner Plato, in his *de Repub.* lib. i. where he relates the complaints of the old men who had lost all the pleasures of youth, *then, indeed,* said they, *we lived happily, but now we do not so much as live.* Which place of Plato Cicero has thus imitated, *in Senectute. Quod voluptatibus carerent, sine quibus nullam vitam putabunt.* Pearce.

I think this place of exercise, these seats, these porticoes, were introduced by the Greeks themselves, Catulus, for diversion and amusement, rather than dispute; because academies were invented many years before philosophers began to prate in them; and even at this time, when all academies are possessed by philosophers, yet their scholars like much better to hear the whizzing of the quoit* than the tongue of their teacher; for as soon as the quoit sounds they leave the philosopher to go to anoint themselves for the exercise, in the middle of a dispute upon the most important and weighty subjects; thus by their own confession they preferred the slightest pleasure to the highest utility. As to the leisure you have mentioned I agree with you, but the product of leisure ought not to be the puzzling, but the unbending, of the mind.

CHAP. VI.

I HAVE often heard my father-in-law say, that his father-in-law Lælius generally went into the country with Scipio, where they used in a wonderful manner to renew their youth, when they had flown from town, as it were from a cage, into the country. I would be very tender of what I said concerning so great men, but Scævola used to tell me that they frequently gathered shells and periwinkles at Gaeta and Laurentium, and stooped to all manner of relaxation and diversion of the mind. For the matter is in the same manner as when we see fowls form and build their nests for the uses of procreation, and their own conveniency, and after they had accomplished some part of their labour, in order to alleviate the toil, flutter about, when their work is over, with freedom and gaiety: thus our spirits, tired with the business of the

* *The whizzing of the quoit*]—Lat. *discus*, it was probably a large weight, with a handle made of a thong, and the young gentlemen tried who could throw it furthest. We may observe here, that the academies of the ancients have been all upon one plan, divided into different apartments, for the several exercises; they used to anoint themselves with oil before they went to any bodily exercise.

forum and the city, when freed from anxiety and toil, exult and want to be at large. Therefore what I urged in the cause of Curius against Scævola, was quite according to my sentiments. Why, says I, Scævola, if no will is valid but what you draw up, we must all come to you with our papers; you shall be the sole scribe: what then, continued I, when will you do the public business? when your friends'? when your own? in short, when will you give over doing any business? I went then a little further. The man who does not sometimes do nothing, seems to me not to be free. I am still, Catulus, of this sentiment, and as I am come hither I please myself with the thoughts of enjoying this same state of inactivity and indolence. As to your third position, that you thought there can be no comfort in life without those studies, this is so far from encouraging, that it deters me from disputing. For as C. Lucilius, a man of learning and great politeness, used to say, that he did not wish his writings were read either by the most learned or the most illiterate part of mankind, because the one part understood nothing, the other perhaps too much. For this reason, he said, PERSIUS *is not a reader for me, but* LÆLIUS DECIMUS *is*, because we know that the first was a man of the greatest learning almost in his age in this country, and the other was a worthy man, by no means illiterate, but nothing to Persius. Thus if I am to hold a disputation upon our profession, I should not choose to have clowns, but far less YOU for my hearers. For I should choose to have my discourse not understood, rather than found fault with.

CHAP. VII.

SAYS Cæsar, for my part, Catulus, I think I have succeeded already in coming hither, for this very refusal to enter upon any argument has, to my liking, formed a very pleasant sort of argument of itself. But why should we hinder Antonius, whose roll we hear is to lecture upon eloquence in general, and Cotta, with Sulpicius, have been long wishing that he would

open. But I, said Crassus, will never suffer Antonius to open his mouth, nor will I open my own, till you have first granted me———What, replies Catulus? That you will pass the day here, answers the other. This putting Catulus, who had promised otherwise to his brother, to some stand, I will answer for us both, said Julius, and upon these terms too, that though you do not open your mouth you shall, I assure you, detain me. My doubt, interrupts Catulus, with a smile, is resolved; because I have ordered nothing at home, and the very person at whose house I was to have been, has, without consulting me, very readily promised. Upon this they all turned their eyes towards Antonius; attend, attend, said he,* to a man from the professor's chair, who is deeply read in Greek learning. And I speak with the more assurance, because Catulus is my hearer; to whom not only we in our language, but the Greeks in theirs, use to yield in purity and elegance of diction. But as unless to this, what do you call it, the craft or the itch of speaking, you add impudence, why it is good for nothing; I will teach you, my good scholars, what I myself never learned; I mean, I will give my sentiments upon all kinds of eloquence. When they had done laughing at this preamble, the thing, continued he, to me appears to be a noble profession, but an indifferent art. For nothing comes within an art but things that are known. But the whole business of an orator consists not in knowledge but opinion. For when we are in a court we speak what the judges do not know, and we speak what we do not know ourselves. Therefore they have different sentiments, and form different judgments upon the same things; and we often speak upon opposite sides;† not only as when I sometimes

* *Attend, attend, said he*]—With what prodigious humour and vivacity does Antonius here rally the formality of the Greek professors.

† *Speak upon opposite sides*]—I am pleased with having an opportunity here of quoting one of the finest and honestest sentiments of antiquity, I mean the glorious testimony that Quintilian has left behind him against this practice, too often recommended by our author:—

"I will suppose," says he, "what is repugnant to nature, that a

speak against Crassus, or Crassus against me, when one of us must be in the wrong; but upon a different occasion we shall express ourselves diametrically contrary to what we said before upon the same subject, whereas truth is uniform and unvarying. I therefore proceed to treat of a thing that is supported by falsifying; which very seldom can be reduced to a determined point, and catches always at the *opinions*, sometimes at the *mistakes*, of mankind; if after such a declaration you think you do not pay too dear for your attention, I proceed.

CHAP. VIII.

NAY, says Catulus, we for our parts are excessively fond of hearing you, and the rather because you do not seem to set out with any ostentation. For in your preamble you have not set out as you think with a more glorious truth, than with a certain dignity. Therefore, proceeds Antonius, as I have declared in general, that the art is not very important; at the same time, I maintain, that certain cunning precepts may be laid down for moving the passions, and winning the affections of mankind. If any body pleases to call this knowledge an art, we shall not differ; for as most people plead causes in the forum rashly, and at random, and some with greater address from practice and experience, there is no doubt that

" man with the worst heart may have the finest tongue, yet will " I deny that such a man is an orator; for every fellow who has " a strong arm cannot be called a man of courage, because " courage cannot exist without virtue. And has not the man, " who pleads for the interest of another, occasion for an honesty " that no passion can corrupt, no interest can bias, and no fear " impair; but shall we bestow the sacred name of an orator upon " a traitor, a runagate, and shuffler ?"

Concedamus sane (quod minime natura patiatur) repertum esse aliquem malum virum summe disertum: nihilo tamen minus oratorem eum negabo. Nam nec omnibus qui fuerint manu prompti, viri fortis nomen concesserim, quia sine virtute intelligi non potest fortitudo. An ei qui ad defendendas causas advocatur, non est opus fide, quam nec cupiditas corrumpat, nec gratia avertat, nec metus frangat; sed proditorem, transfugam, prævaricatorem donabimus oratoris illo sacro nomine?

if a man shall mind the reason why some succeed better than others in speaking, he may find this out. Therefore, whoever pursues this method through every species of eloquence will find it, if not absolutely an art, somewhat very like one. And I wish that it were in my power to paint the manner in which these may be distinguished, in as lively colours as I now fancy to perceive them in the forum, and in pleadings. But that is nothing to me: what I am now to propose I am fully convinced of, that nothing is more eminent than a complete orator, though eloquence of itself be not an art. For not to mention the advantages of it, which in every regulated free state have such decisive influence, so great of itself is the pleasure derived from the practice of this profession, that nothing can be conceived more agreeable to the ears and understandings of mankind. What music is more charming than the delivery of a regular discourse? what numbers more harmonious than the cadence of a well turned period? what actor in mimicking, can give greater pleasure than an orator does in defending, truth? what is more delicate than smart, quick sentiment? what more marvellous than a subject embellished by the pomp of expression? what more satisfactory than a speech crowded with variety of every kind? For there is no subject but comes under the province of an orator, I mean those upon which he ought to speak gracefully and properly.

CHAP. IX.

As to his character, he is in the highest affairs to give his opinion with dignity; and likewise his is the power of rousing a desponding, or checking an outrageous, people. By the same profession, the frauds of mankind are chastised, and their innocence secured. Who is more warm in exhorting to virtue? who more vehement in reclaiming from vice? who more severe in lashing the profligate? who more graceful in recommending the virtuous? who is more capable to check the passions? who more successful in soothing the sorrowful? but as to history, that evidence of time, that

light of truth, that soul of memory, that directress of life, that messenger of antiquity, by what means can it live to immortality, but by the voice of the orator? For if there is any other art that professes the arrangement of words; if any one except an orator can be said to plan a discourse, to vary it, to mark it with certain distinctions of words and sentiments, or if any other method of arguing, of expressing, describing, or arranging, is to be communicated but by this art, I shall confess that what this art professes is either foreign to it, or it is in common with some other art. But if this method and learning is peculiar to eloquence, it is not the less so, because the professors of other arts have been eloquent. Because, as Crassus observed yesterday, an orator can speak extremely well upon other arts, provided he is acquainted with them; in the same manner as people of other professions can talk more elegantly upon their own, if they have learned eloquence; for if a farmer should express himself well upon country affairs; if a physician, as many have done, should write well upon diseases; if a painter should write or express himself handsomely upon painting, it is not to be thought that eloquence therefore belongs to any of these arts: but such is the force of human genius, that a great many of all professions, and all arts, are naturally more or less eloquent. And though you may judge of every art from its peculiar character, which you may know from what it professes, yet nothing can be more certain than this, that the exercise of all arts is independent of eloquence, but the merit of an orator depends on it. Thus, if others are eloquent, they receive some assistance from other arts, but never can the orator, who is not armed with domestic powers, borrow eloquence from any other profession.

CHAP. X.

Says Catulus, although, Antonius, the flow of your discourse ought not to be interrupted, you must bear with me, and pardon me; for I cannot help crying

out, as the fellow does in the *Trinummus*;* so delicately do you seem to express the energy of an orator, so lavishly do you praise him; as there is nothing more graceful than for an eloquent man to praise eloquence, since in recommending it, he employs the very subject he recommends. But go on, for I agree that to speak elegantly is wholly your province; and if any man speaks well in another art he but borrows from this: it is not his own, it is not his property. Says Crassus: why, a night has made you quite polite and humanized you into man; for, as Cæcilius says, yesterday you described a journeyman hired for a job in the character of an orator, a fellow void of good breeding and humanity. Indeed, replies Antonius, yesterday I took in my head, that if I could but confute you, I might be able to wheedle your scholars from you; but now that Catulus and Cæsar are present, I do not think that my business is so much to fight with you, as to speak my own sentiments upon this subject. As the person therefore whom we speak of, is to be placed in the forum, and under the eye of his fellow citizens, we are now to inquire what business we are to allot to him, and what are the duties we require him to fulfil. For Crassus yesterday, before you, Catulus, and Cæsar came, laid down in a few words the same maxims as to the distribution of the art, that the Greeks generally do; but indeed he declared not his own sentiments, but their doctrines; that there are two questions upon which eloquence turns, the one infinite, the other determined. He seemed to me to define the infinite as being any general question; such as, *is eloquence desirable? are honours to be sought after?* but the determined question is where your subject is upon particular persons: a positive, asserted fact; such as those that are canvassed in the forum, in the causes and differences among private citizens. To me, those appear to consist either in pleading at the bar, or debating in an assembly. For as to the third

* *The Trinummus*]—This is a comedy of Plautus, for an explanation of this passage, see act iii. scene 2.

species which was mentioned by Crassus, and, as I have heard, is added by Aristotle himself, who threw the greatest light upon this subject, though it may be convenient,* yet it is not quite so necessary. How! interrupts Crassus; do you mean panegyric? for I perceive that that was the third species mentioned.

CHAP. XI.

You are in the right, said Antonius, and I am sensible it is a species that gave great delight both to me and every body present, when you declaimed in praise of your mother Popilia,† who, I think, was the first lady that received this honour in our state; but all that we deliver are not reducible to rules and art; for you can embellish panegyric by the very principles from which all the rules of eloquence are borrowed; nor can you ever be at a loss for those maxims, which, though nobody teaches them, every body knows; I mean the laudable qualifications of a man. For we may lay our foundation upon those qualities which Crassus premised in that oration, which, when he was censor, he pronounced against his colleague; *that he could patiently endure to be out-done in circumstances that are the gift of fortune; but in those attainments that depend upon a man himself, he could not endure a superior;* meaning that the man who declaims in praise of another is to display all the circumstances that are the gift of fortune; such as birth, money, relations, friends, interest, health, beauty, strength, wit, and other properties, which are either personal or

* *Though it may be convenient*]—The Latin has it, *etiamsi opus sit.* Cicero in other passages takes *opus esse* in this sense. Vid Ep. ad Fam. l. i. ep. 1. *Legem curiatam consuli* OPUS ESSE *necesse non esse;* and Ep. ad Att. l. iv. ep. 6. *Si loquor de republica quod oportet, insanus; si quod opus est, servus existimor.*

† *Your mother Popilia*]—If Popilia was the first of the Roman ladies who was publicly praised, Plutarch, in the life of Camillus, was mistaken, who is said, long before Popilia, to have made a funeral oration in praise of the Roman matrons, because they had brought their ornaments to perform a vow to Apollo; unless perhaps for so long a time none were celebrated after that decree of the senate; which is believed by none. Rhodiginus is of the same opinion with Plutarch.

accidental. If the subject possessed such properties, you are to show that he made the right use of them; if he did not, that he bore that want like a wise man; if he lost them, that he lost them without losing himself. You are next to shew every wise, every generous, every brave, every just, every great, every pious, every grateful, and every good natured thing that the person whom you praise, ever either did, or was concerned in. Any man who wants to praise another will easily perceive these, and such like circumstances. Whoever wants to vilify, will take notice of the opposite characters. Why, therefore, said Catulus, should you hesitate to constitute this third species, because it is in the nature of things? If it is more plain, sure it ought not for that reason to be excluded out of the number. Because, replies the other, I am unwilling to treat every trifling matter that falls to the province of an orator in such a manner as that nothing can be spoken to without peculiar maxims. For we must sometimes give in evidence, and that too ought to be very cautiously managed; as I was obliged to do against Sextus Titius, a seditious, turbulent citizen.* In giving this evidence I laid open the whole conduct of my consulate,† by which, for the interest of my country, I opposed him when he was tribune of the people; and I laid open all that I thought he did to the prejudice of his country; long was I detained, much did I hear, much did I answer. Are you then of opinion, when you are laying down maxims of eloquence that precepts of art are to be laid down upon the method of giving evidence? No sure, says Catulus, that can never be necessary.

* *Sextus Titius, a seditious, turbulent citizen*]—It is an unhappy circumstance for the memory of men, when they happen in their lifetime to be disagreeable to men of great parts, who are the only historians to record their actions. In such a case we cannot expect that they will be transmitted to posterity in those lights that are most favourable to their characters: this Sextus Titius was a very great friend to the Agrarian law, and used sometimes to be impertinent to the senate on that head.

† *I laid open the whole conduct of my consulate*]—This is a kind of apology for Cicero's own conduct, who never fails to bring into his orations the mention of his own political character.

CHAP. XII.

But if, as it often happens, the greatest men's instructions are to be explained in the senate, either from a general, or to a general, or to a king, or a people from the senate, because we must use a more correct style in speaking on these sorts of subjects, is it therefore to be looked upon as a species of pleading, or to be furnished with peculiar precepts? No, by no means, replies Catulus; for a well-spoken man can never be at a loss for expression upon these subjects drawn from other circumstances and causes. At the same time, the subjects that are often to be handled eloquently, I mean those things that I allotted to the province of an orator, when I was praising eloquence a little while ago, have neither any place in the division of parts, nor any certain system of precepts; yet they are to be handled as eloquently as the merits of the cause themselves; such as reprimanding, advising, comforting; where every expression demands the principal embellishments of eloquence; but the method of succeeding here is not to be acquired in the precepts of the art. I am, says Catulus, directly of your opinion. Then give me leave to ask you, says Antonius, what kind of an orator, and what talents in speaking, are required to write a history. To write, replies Catulus, in the manner of the Greeks, would require the highest; but to write as a Roman, there is no need to be eloquent; all that is required is not to be a liar. Softly, says Antonius, not so bad as that neither; the Greeks themselves at first wrote in the same manner with our Cato, Pictor, and Piso. For history then was nothing but a collection of annals, in order to transmit the facts to the knowledge of the public. The high priest wrote down all the transactions of each year, from the foundation of the Roman state to the time of the high priest Publius Mucius; this he fairly engrossed, and set up the record at his own house, that the people might consult it for their information; and these at this time are called the *great annals*. A great many followed this way of writing, and, without any embellishments, left behind them the records of times,

of men, places, and actions. Thus our Cato, and Pictor, and Piso, were just such writers as Pherecydes, Hellanicus, Acusilas, and a great many more were amongst the Greeks; who knew not the methods by which a style is embellished, (and it is but lately since they were imported into this country), and, provided what they wrote was intelligible, they thought brevity the principal ornament of style. Antipater, that excellent person, that friend of Crassus, arose to a somewhat higher pitch, and gave a more majestic expression to history; other writers were not embellishers, but relaters of facts.

CHAP. XIII.

WHAT you say, answered Catulus, is true; yet Antipater himself did not mark his history by any play of colours, nor did he polish what he wrote by a happy disposition of periods, nor a smooth, even style. But as he was neither learned, nor had any great turn for eloquence, he finished it as well as he could; yet still, as you say, he was superior to those who went before him. It is no wonder, replies Antonius, if history makes no figure in our language; for none of our countrymen study eloquence with any other view than to excel in pleadings, and at the forum; but the most eloquent among the Greeks, who retired from public pleadings, amongst their other noble studies applied themselves principally to the writing history. For though we do not find that Herodotus,* the first embellisher of their history, was ever conversant in pleadings, yet so great is his eloquence, that, so far as I understand of Greek writings, he gives me great pleasure. After him, in my opinion, Thucydides is preferable to them all in the beauty of style; so quick is he in the relation of his facts, that he has almost as many fine sentiments as expressions; at the same time there is such a propriety, such a conciseness in

* *Herodotus, &c.*]—I shall make no other remark upon the character that is here given of the Greek historians, than to observe that they are drawn with so much justice and taste, as to remain their undisputed character to this day.

his style, that you are at a loss to say whether the facts are embellished by his expression, or his expression by his sentiments. Yet we do not find, though he acted in a public station, that he ever pleaded in their courts; and we are told that he composed his works when he was removed from the government; and, which was the fate of almost every worthy man at Athens, driven into banishment. Philustus of Syracuse succeeded him, who, living in the greatest familiarity with Dionysius the tyrant, spent his leisure in writing history; and, in my opinion, proposed Thucydides as the model of his style. Afterwards Theopompus and Ephorus, two men of great genius, bred in what we may call the noblest work-house of eloquence, by the persuasion of their master Isocrates, applied to history. But they never had any thing to do in pleading.

CHAP. XIV.

At last the famous Xenophon, and Calisthenes the attendant of Alexander, appeared from the school of philosophy; the first the disciple of Socrates, the other of Aristotle, and both were historians; the last almost in the manner of a rhetorician. Xenophon, indeed, assumed a gentler style, and as he has not the rapidity of an orator, he may appear perhaps less vehement; but, in my opinion, he is a good deal more delightful. Timæus lived later than these, but, so far as I can judge, he was by far the most learned, the best furnished with the richness of materials, and variety of sentiments, and by no means unskilful in the composition of style. This historian had great talents as a speaker, but without any practice in business. When Antonius had finished; what do you think, Catulus? says Cæsar, who will say now that Antonius does not understand Greek? how many of their historians has he named, with what good sense, with what justness has he characterised them! Why, replies Catulus, while I am wondering at that, I can no longer wonder at what gave me much greater surprise before, that a man who is ignorant of this knowledge

should have such a commanding power of eloquence. Believe me, Catulus, said Antonius, that in my leisure hours, when I use to read those, and some other writings, I am not then hunting for any improvement to my eloquence, but for my amusement. What is the matter then? I will make this plain confession; that when I walk in the sun, though I may have a different motive for walking, yet it is natural for me to grow ruddy; thus, when I read those books with attention at Misenum, for I have no leisure at Rome, I can perceive my own style receive a glow from their charms. But lest you should think I am deeper read than I am, know this, I only understand those Greek writings which the authors wrote with a view to have them generally understood. But if, at any time, drawn in by a specious title-page, professing to treat of known and famous subjects, such as virtue, justice, pleasure, honesty, I happen to dip into your philosophical writings, I do not understand a word of them; they are so hampered with narrow, close disputations. As to the poets, who speak, as it were, in another kind of language, these I never meddle with. I amuse myself, as I have said, with the writers who have transmitted to us their own actions in their speeches, and whose style is such that it appears they want to be understood by those who are like me, none of the most learned. But to resume.

CHAP. XV.

Do not you perceive how far history is the business of an orator? I am uncertain whether it is not his chief, from the force and the diversity of diction; yet I do not find that this has ever been distinctly treated of in the precepts of rhetoricians; because they are so obvious and plain: for, is there a man ignorant that the first rule of history is, that an *historian shall not dare to advance a falsity;* the next, *that there is no truth but what he shall dare to tell?* That in writing, he shall be free of all prepossession; of all pique? these, I say, are fundamentals known to all mankind; but the superstructure itself consists of facts and ex-

pressions. Matters of facts require a regard to chronology and geography; and likewise in great and memorable events, we first expect to hear of the motive; secondly, of the execution; and, lastly, of the event. The historian is required to give his own opinion as to the motives; with regard to the execution, he is to declare what was done and said, and in what manner; and when he comes to treat of the event, all the co-operating circumstances, whether proceeding from chance, from wisdom, or from rashness, are to be laid open; and not only the actions, but even the lives, and the personal character of every man, whose fame or reputation is high, ought to be recorded: but the disposition of the style, and the manner of relation, must proceed with a diffuseness, and an evenness, with a certain gentle flow, devoid of the barrister's roughness, and without the points, so frequent in forensian sentiments. Do not you see, that there are no maxims laid down in the treatises upon rhetoric, with regard to these numerous and important points? Many other beauties of an orator are buried in the same oblivion, such as exhortations, consolations, precepts, advices; all which require to be handled with the greatest eloquence, but are denied a place in those arts that are generally taught. But as most people, according to Crassus, have allotted two kinds of eloquence to an orator, this opens to us a vast and boundless field of disquisition. He remarked, that the first kind is where a cause is stated and defined, such as those which come before our courts of justice, or are matters of debate in the senate. He was not against any body adding panegyric to this kind. The other kind is what almost all writers mention, but none explain, where the subject is unbounded by time or persons. When writers treat of this, to me, it appears, that they neither understand its nature or importance. For if it is the business of an orator to be able to speak upon every indefinite subject that shall be proposed; then he must speak upon the largeness of the sun, the form of the earth; nay, when he has undertaken this task, he must not even refuse to treat of mathematical and musical matters: in short,

a man who makes it his profession to speak, not only in those disputes which are defined by times and persons, as all that comes before the forum are, but upon all subjects, which in their own nature are undetermined, will find that there is no subject exempted from his discussion.

CHAP. XVI.

But if we shall take it in our heads to allot to the profession of an orator, the loose, the free, and the unbounded part of disputation, such as that upon good or evil, upon what is desirable, and what ought to be avoided, upon what is honest or disgraceful, profitable or unprofitable; upon valour, justice, continence, prudence, magnanimity, piety, and friendship, honour, duty, and other virtues, together with their opposite vices: if, I say, we think an orator ought to speak to all these, and at the same time to affairs of government, of command, of the camps, of the civil polity, of the manners of mankind, let us embark upon this likewise, but so as that it may be confined within certain moderate limits. Indeed, my opinion is, that every thing falls within the profession of an orator that belongs to the advantage of his countrymen, the manners of mankind, whatever regards the habits of life, the conduct of governments, civil society, love of the public, nature, morals. At least, though he is not obliged to answer distinctly, like a philosopher, on these subjects, yet he surely ought to know how to interweave them dexterously in his pleading; he ought to speak on such heads in the same manner as they delivered themselves who founded laws, statutes, and states, with simplicity, with perspicuity, without any tract of disputation, without any dry jangling. That you may not here be in the least surprised at my laying down no precepts upon so many and such important subjects, my maxims are as follow: as in other arts, after the most difficult rules in each are laid down, the rest, which are either obvious or similar, are thought unnecessary to be expressed. For instance, in painting, a painter, who has once completely learned to

draw the likeness of a man, can paint him of any shape or age, without being taught; and whoever can paint a lion or a bull, can never be at a loss to draw a great number of other creatures; and, I positively say, there is no art in which rules can be laid down for all its effects; but whoever has entered into the nature of certain directing principles can never be under any difficulty of compassing the rest. By a parity of reasoning, therefore, I am of opinion, that whoever, either in the theory, or in the practice of eloquence, is master of so much energy, as to have an arbitrary, controlling power over the passions of those who, in a judicial capacity, hear him speak upon matters of government, upon his own private concerns, for or against a party; that such a person, I say, is no more to be in pain with regard to all the other kinds of speaking, than the famous Polycetus, when he was making his Hercules, could be at a loss how to express the lion's hide, or the hydra, without having had any lessons on purpose.

CHAP. XVII.

Says Catulus, Antonius, you seem very perspicuously to have laid down what a man who designs to be an orator should learn, and what improvement he can derive, without particular application to every distinct branch, even from those principles which he is master of. For you have reduced him entirely to two kinds of causes; and the others, that are without number, you have referred to be attained by study and similarity. But take care that in these two kinds you have not a hydra and a hide, and leave the Hercules and other great subjects among those that you omit. For it appears as difficult to speak upon the general properties of things, as upon particular causes; and much more so to treat of the nature of gods, than the altercations of mortals. By no means, my friend, replies Antonius, and I will tell you why, not so much from *learning*, as from a much better authority, *experience*. To speak upon all other subjects, take my word, is but boy's play, to one who is no dunce, who

does not want experience, nor an ordinary knowledge of *common* learning and good-breeding. In altercations at the bar there is a very difficult part to act, I do not know if it is not by far the most difficult exercise of the rational faculties. In this exercise the power of an orator is commonly, by the ill-judging, estimated from the event, and from the success; where an armed adversary presents, whom you are both to attack and repel; where very often the person who is to decide the affair, either is a stranger or angry with you; perhaps a friend to your antagonist, and a foe to you; when at the same time he is to be informed, or undeceived; checked or impelled; and, by all the methods that good sense can suggest, reconciled to the occasion, by all the power of eloquence inclined to the cause, you are to espouse. When kindness is often to be turned into rancour, and rancour into kindness: the orator, as if he were directing an engine, is to apply it sometimes to severity, sometimes to gentleness, sometimes to damp, and sometimes to delight. He is to make the most of the weight of all his sentiments, and the force of all his expressions; his action ought to be suited to the subject, full of energy, full of life, full of spirit, full of emotion, full of nature. In such exercises, if any one shall attain to that perfection, as like a Phidias in sculpture, to be able to finish the statue of Minerva; believe me, such an artist can never be under any difficulty of executing the more minute figures upon her buckler.

CHAP. XVIII.

THE more marvellous you have worked up these beauties, says Catulus, the greater is my passion to know, by what precepts all this amazing power can be attained; I have no partial views of my own in this; yet, drawn in by mere curiosity, I beg to know what precepts you will establish; this proceeds from a most disinterested principle in me, because my age neither requires any such information, and I always followed another method of speaking; for I never wrested by the force of eloquence a decision out of the

hands of the judges, but rather received it, after their minds were turned to all the gentleness of which they were susceptible. Nor have I occasion for any Greek teacher, with his formal tone, to pour forth a string of trite rules, when, at the same time, the fellow never saw the face of a forum, or a court of justice; like what is told of Phormio the peripatetic; when Hannibal, after being driven from Carthage, was come in his exile to Antiochus at Ephesus, and because this peripatetic was universally celebrated, Hannibal was invited by the townsmen to hear him, if he thought fit; and having expressed no unwillingness, as the story goes, the fellow spoke for some hours with all the fluency of the world upon the duties of a general, and the whole system of military affairs. The rest of the audience, who seemed to be quite ravished, asked Hannibal, what he thought of the philosopher. The Carthaginian upon this, who did not perhaps speak good Greek, though he spoke good sense, said, that many old dotards he had seen, but that a greater dotard than that same Phormio he had never seen. And indeed he was in the right; for what could shew more of a pedant, more of a prater, than for a Greek, who had never faced an enemy, had never seen a camp, who, in short, had never risen to have the smallest concern in any public office, to give lectures upon military knowledge before Hannibal, who had for so many years disputed the empire of the world with the Romans? All those fellows who give lectures upon the art of speaking, in my eyes, seem to do the same, for they teach others what they have never experienced themselves; they are perhaps the more excusable indeed, in that they do not attempt to instruct you, as he did Hannibal, but boys and striplings.

CHAP. XIX.

But indeed, my friend, you are in the wrong replied Antonius, because I myself have lighted upon a great many Phormios in my time. Shew me one of those Greeks who thinks that any of our countrymen have common sense? Yet I own they do not

much disturb me; I can very easily make shift to bear with them all. For they either advance something that I am not at all displeased with, or they are so shocking in their manner that I the less regret my own ignorance: but I here dismiss them, though not so rudely as Hannibal did that philosopher; for that reason, perhaps, I am plagued with them the oftener; yet I cannot help saying, that so far as I can judge, their profession is extremely ridiculous. For they divide the whole of it into two parts; into the controversy that arises upon the cause, and that arising from the question. What they call a cause is a matter contained in an altercation, and difference upon facts; and the question is a matter of infinite doubt. With regard to the cause they lay down precepts; with regard to the other part there is an astonishing silence. They next constitute, as it were, five members of eloquence, viz.; inventing what you are to say, the arrangement of what you have invented; the embellishment of expression; next, the getting it by heart; and last of all comes the action and the delivery: sure there is nothing very obscure in this. For does not one naturally see that nobody can speak unless he knows to what point, in what words, and in what order, and unless his memory serve him? Not that I find fault with all this, I am only saying that they are self-evident: I mean all these four, five, six, or even seven (according to their different divisions by different professors) parts into which these teachers branch out every speech. For they command us to begin in such a manner as to render the auditor favourable, tractable, and attentive to what we say: in the next place, to represent the fact so that the detail may be plausible, conspicuous, and concise: in the next place, to divide, or to state the cause, to strengthen our own reasoning by proofs and probabilities: and then to confute the reasoning of our adversary. Then some here introduce the conclusion of the speech by way of peroration; and some enjoin us, before we wind it up, to make a digression, either for embellishment or aggravation; then to conclude and sum up. Even these I do not find fault with;

for it is disposing them in a very pretty manner, though perhaps not very well accommodated to a fair information, which is the most essential point to people who want to be instructed in the truth. As to the maxims which they lay down with regard to exordiums and narratives, these, according to them, are to run the same through all speeches. For it is much easier for me to render a judge favourable, in the progress of a narrative, than before he hears one tittle of the substance of what I am to say. It is more easy to render him tractable, when I inform him of and explain the matter, than when I only promise him demonstration. But with regard to his being attentive, that is effected not by our first declaration, but by creating frequent emotions in the minds of the judges throughout the whole of the pleading. It is now that we come to the detail, which, as they rightly recommend, should be plausible, conspicuous, and concise. If they think that this ought to be more peculiar to a narrative than the whole of a speech, they seem to be under a great mistake. And their capital mistake lies in their thinking that this is a kind of a craft, not unlike one of those that Crassus yesterday said might be made out of the civil law, where the principal heads of the subject are first to be laid down. In this you must be faulty if any one head is omitted; then the subdivisions of each of these heads, in which, if there is any thing either deficient or superfluous, it must be faulty. Next the definitions of words, and here nothing should have place that expresses either too little or too much.

CHAP. XX.

YET though by this means they can become more learned in the civil law, or even in trifling or indifferent affairs, I am by no means of opinion that they can become so in an affair of this great, this weighty importance. But if any think otherwise, let them be carried to the professors of those things; let them there make themselves masters of all that has been said upon this subject in the most explicit, finished

manner; for there are a great many books upon these points, neither obscure nor hard to come at. But let them take care as to what they would be at; whether they are to furnish themselves with arms to fight or to flourish, for there is a great difference betwixt a parade and an engagement; there is a great difference betwixt what is required in a fencing school and a field of battle. At the same time even the mock practice of arms does some service both to the fencer and the soldier; but success in fighting is obtained by the intrepidity, the presence, the quickness, and the vigilance of the mind, provided these are assisted by some degree of art. Therefore, in forming an orator to you, I first know how far his abilities reach; he must have some tincture of learning; he must have heard a little; he must have read a little; he is not the worse if he has even attended to those precepts. I will try what becomes him best, what lengths he can go with regard to his voice, with his strength, his breath, and his tongue. If I should understand that he may equal the most complete orators, not only will I advise him to persevere indefatigably, but if I think him a man of honour, I will entreat it of him; such a lustre do I think a man, in whom eloquence and virtue unite, communicates to a whole state. But if I shall think that, after he has done his best, he can never rise to mediocrity in eloquence, then I will leave him to himself, without giving him any great trouble; but if he has any thing downright averse and shocking in his manner, I will then advise him to stop, or turn his views to another profession. For neither the person who can arrive at excellence is by any means to be abandoned by our exhortations; nor is he who performs somewhat to be discouraged; the first of which characters seems to partake somewhat of divinity; the other, in that it neither rises to excellence nor sinks to wretchedness, is the lot of humanity. As to the third character, which is that of one who, in spite of reason and nature, bawls out as much as he can, it is that of a person who, as you, Catulus, observed of a certain bawler, has a domestic herald, to summon together as many witnesses as he can of

his own folly. Let us, therefore, discourse of such a man as merits our encouragement and assistance, in such a manner (because we can communicate nothing to him that is better) as that we may at least communicate to him what practice has taught to us; that by our guidance he may arrive to that point which we have without any guidance reached.

CHAP. XXI.

And, that we may begin with our friend here who is in company; the first time I heard Sulpicius was when he was a very young man, and in a very piddling cause; his voice, his figure, his deportment, and every thing else about him was well fitted for the business now under our examination; but his expression was quick and rapid; this was owing to his genius: his words glowing and a little too luxuriant; this to his age: I did not dislike him. I love a superfetation in youth; for as in vines it is much easier to prune the luxuriant branches than to rear up new branches by culture from a stock that is naught of itself! therefore I would still have somewhat in youth that I can lop away. For when maturity comes too soon, the vegetating sap must quickly decay. I instantly saw a genius; I lost no time; I advised him to make the forum his school, and his master ——— whom he pleased; if I might be heard, Crassus. He instantly caught at this; he assured me he would follow my advice, and out of complaisance he even added, that I should likewise be his master. A year was scarcely over after this interview, when he impeached C. Norbanus, and I defended him. You cannot believe what a difference there seemed to be betwixt him *then* and what he was twelve months before. Nature herself had absolutely directed him into the grand and noble manner of Crassus; but he could never have made sufficient advances in it by her assistance alone, had he not fallen, in the progress of his study and practice, to accustom himself to speak so as that he seemed to have fixed the idea of Crassus upon every faculty of his soul and spirit.

CHAP. XXII.

THEREFORE the chief maxim of my doctrine is to point out a right subject of imitation; and in such a manner as to make the distinguishing properties of that subject our main study. To this I add the practice of imitation, by which one becomes the very person whom he chooses as a pattern; and in the resemblance hits his true character, not in such a manner as I have known many imitators, who have in their imitations hit upon what was most easy, or those properties that were striking even to a defect. Nothing is more easy than to ape a man in his dress, his way of standing or walking. Nay further, if there even is any thing that is wretched, and you enter into it as wretchedly, it is no great difficulty: like that Fusius, who, having lost his voice and now makes such a frantic figure in the state, could never compass the nervous eloquence of Caius Fimbria, but hits him very well off in the convulsions of his lips, and the drawling of his words. But he neither knew how to choose a proper pattern, and he imitated only the defects of that which he had chosen. But the man who would succeed in this must first be extremely cautious in choosing his pattern: then, when he is fixed upon that, he ought to apply himself earnestly to study its most distinguished excellencies. What do you think is the reason why every age produces almost peculiar manners of speaking? This is an observation that cannot be so easily made with regard to our orators, who, to tell the truth, have left but very few writings by which we can form a judgment, as from the Greeks, whose writings characterize the manner and spirit of speaking peculiar to every age. The oldest amongst them, I mean of those whose writings have come to our hands, are Pericles and Alcibiades, with their contemporary Thucydides; these were delicate, pointed, concise, and fuller of sentiments than of words. It could not be by chance that they were all of the same character, unless all of them had proposed the same pattern. These were succeeded by Critias, Lysias, Theramenes; the writings of Lysias are many, of Critias none; we

have heard, and that is all, of Theramenes. All of them, even in that age, retained the flavour of Pericles, but their style was a little more diffused. Then your Isocrates arose, from whose school, as from the Trojan horse, there issued none but great men; but of those some chose to distinguish themselves in the cavalcade, and others in the battle-array of eloquence.

CHAP. XXIII.

THEREFORE the Theopompi, the Ephori, the Philisti, the Naucratæ, and many others, were very unlike one another in genius; but in their manner they resemble both one another and their master: and they who applied to pleading, as Demosthenes, Hyperides, Lycurgus, Æschines, Dinarchus, though they were not equal among themselves, yet they all followed the same method of persuasion: as long as the imitation of their manner continued, so long did that kind and study of pleading live. They being gone, all remembrance of them insensibly wore out and vanished, and other more soft and loose methods of speaking prevailed. It was then Democharès, who was said to be nephew by the sister to Demosthenes, appeared: next the Phalerean Demetrius, who, in my opinion, was the most finished of them all, and others like them started up. Had we a mind to trace this detail down to the present age, we should find that at this day all Asia imitates the famous Menecles of Alabanda, and his brother Hierocles, whom I have heard: thus there has been still some model by which the rest have generally endeavoured to form themselves. Whoever therefore would make a progress in this similarity by imitation, must chiefly apply to laborious and frequent practice, especially in writing. Would our friend Sulpicius here follow this advice, his diction would be much more compact. Whereas now, as country people use to say of grass, the richness of the soil produces a luxuriancy which must serve as food for the pen. You are in the right, said Sulpicius, here, and I am obliged to you for your advice; but indeed, Antonius, I do not believe that *you* have written a great

deal. Do not I say, aswers the other, that I enjoin to others qualities that I do not possess myself. But I am thought even not to keep any regular accounts; yet my method of proceeding in that, you may judge of from the economy of my estate; and from the progress I have made in speaking, however inconsiderable it may be, you may judge of my practice in eloquence. But after all, we have seen many propose no model at all; and yet by the force of genius, without imitation, have attained to all they desired: this observation is made good in you, Cæsar, and in Cotta: the one is master of a wit and humour not common among our orators; and the other of a very pointed, delicate manner of speaking. Nor does Curio, who is much of your age, though his father, in my opinion, was one of the most eloquent speakers in his time, seem much to imitate any body; yet he is an original as to his manner and method of speaking, both by the weight, elegance, and flow of his expression. I came into this way of thinking chiefly on occasion of that cause which he pleaded against me before the Centumviri for the brothers the Cossi; where nothing was wanting in him that belongs to a copious and even an experienced speaker.

CHAP. XXIV.

But that we may at last introduce this personage we are forming to the bar, and a bar too of the greatest business, practice, and altercation, let me give it him as a principal rule, that he make himself completely and thoroughly master of the causes he is to manage. Somebody may perhaps laugh at this rule; for I own it does not proceed so much from penetration as necessity, and gives you a notion not so much of an able instructor, as of a monitor who is not quite an idiot. This is a rule that is never enjoined in schools, for the pleadings that are set to boys are all of them quite easy. Such as, by the law a stranger is forbid to mount the wall; he has mounted it; he has repulsed the enemy; he is accused. There is nothing at all in being master of such a cause: therefore they are in

the right when they lay down no rules as to your making yourself master of this cause, for this is generally the form of all pleadings in the school. But in the forum, deeds, evidences, bargains, agreements, conventions, alliances, relations, decrees, answers; in a word, the whole life of those who are concerned in a cause must be thoroughly canvassed. It is by neglecting those points that we see most causes lost, especially private ones, which are often of the most intricate nature. Therefore some who want that the world should think they have great business by fluttering all over the forum, and seeming to pass from cause to cause, speak in causes that they know nothing of. But by this conduct they incur great blame; either of negligence, if they but undertake to act; or of treachery, if they profess to succeed. They incur another censure, which is greater than they think of, which is, that every man, who speaks to a subject that he does not understand, must speak very wretchedly. Thus, while they seem to contemn the reproach of laziness, which indeed is the most inexcusable, they incur what they want much more to avoid, I mean that of dulness. For my part, I use to be at great pains that a client should himself instruct me in his cause; and, to give him the greater freedom in speaking, that nobody should be present; I likewise plead on the contrary side, to make him disclose his thoughts with regard to his own case. Then, after he is gone, with the utmost impartiality I assume three characters, my own, that of my antagonist, and that of the judge. Every topic that I think makes for me, rather than against me, I resolve to speak to; whatever may be of prejudice rather than of advantage, that I discard and avoid. Thus I at one time think what I am to say, and at another I say it. These two exercises most people, relying upon their own abilities, perform at the same time. But they would, no doubt, mend their pleading if they should think fit to set apart one part of their time for inventing, and another for delivering what they have to say. After I am completely master of the affair and the cause, I immediately reflect on the doubtful points that arise in it.

For there is no disputable subject amongst mankind, whether the case is of a criminal nature, as an overt-act; of a controversial, as an heritage; deliberative, as war; personal, as panegyric; or disputable, as the rules of living; in which the point of inquiry does not lie with regard to what has been done, what may be done, what is to be done, what is its quality, or what its denomination.

CHAP. XXV.

But our causes, I mean such as are criminal, are generally defended by denying the fact. As in cases of extortion, which are of the most important nature, almost every article must be denied. In cases of corruption there is seldom such a concession made, as that you are able to distinguish generosity and liberality from bribery and corruption. In cases of murderers, poisonings, and embezzlements, you must absolutely stand upon the negative. Therefore the chief business of all judicial proceedings is the controversy arising from what is past. In deliberative, upon what is to come; seldom upon what is present or past. Sometimes, too, the point of inquiry is not whether a thing is or is not fact, but of what nature it is. As when, in my hearing, C. Carbo, the consul, defended the cause of L. Opimius before the people, he did not deny one circumstance relating to the death of C. Gracchus, but maintained that it was just, and for the good of the public, to put him to death. In like manner as P. Africanus, when the same Carbo, tribune of the people, and acting in a very different political character, asked him about the death of Gracchus, answered, *that it appeared he was justly put to death.* Now every thing is defended upon the principle of being just, when it is of such a nature as that it either ought to be done, or that it is lawful, or necessary, or appears to be done through indiscretion, or by accident. We are now to inquire under what denomination that dispute will come, when it turns upon the appellation to be given to the fact. This was the grand point in dispute betwixt Sulpicius and

myself in the affair of Norbanus. For though I admitted of most of the articles urged against him, yet I denied that they amounted to a charge of treason: and upon that one expression in the Apuleian law all that pleading turned. Some likewise in this kind of pleading enjoin, that the word which constitutes the cause should be clearly and briefly defined. But to me this used to appear childish. For it is quite a different thing, when the definitions of words are contested among learned men upon those very subjects that relate to the arts; as when it is asked, what is an art, a law, a state? In this we are instructed both by reason and knowledge, that the force of the thing which we want to define should be so expressed as that the definition should contain nothing either too little or too much. In the cause I mentioned this was neither done by Sulpicius nor attempted by me; for with all the abilities we were both master of, and with all the eloquence we could muster up, we enlarged upon the definition of the word treason. Because by cavilling at a single word, by adding one, and by taking one away, a definition is often wrested out of our hands, and then in its own nature it smells rank of pedantry, and an almost childish practice. In the next place, it never thoroughly enters into the understanding and mind of the judge; for all its effects slip away before they are perceived.

CHAP. XXVI.

But as to that kind of pleading wherein the difference lies with regard to the quality of the fact, frequently a dispute arises upon the meaning of the letter, and here the dispute can only be with regard to the ambiguity of what is expressed; for when there is a difference between the letter and the spirit of an act, that very thing begets a certain ambiguity which can never be explained but by supplying what are deficient. When these are added, it is pleaded that the meaning of the act was plain; and if any ambiguity arises from contradictory expressions, it is not then a new kind of pleading that is produced, but the

difficulties of such a cause as we have just now mentioned are doubled. It is then never to be resolved; or, if it is resolved, it must be in such a manner as that, by supplying the words omitted, the sense of the letter of the act may be rendered complete. Thus it happens that only one kind of those causes, in which the difficulty lies in the ambiguity of the letter, can exist, if the letter is any way really ambiguous. But there are many kinds of ambiguities: of these the gentlemen whom we call logicians appear to me to be the best judges: but as to those of our profession they appear quite ignorant of this, though at the same time they ought to know them as well as the logicians. Upon the whole, I say, that the most common mistake arising in all practice, either in speaking or writing, is when any ambiguity arises upon the omission of a word or words. Again, they are in the wrong who make a distinction in kind betwixt those causes that turn upon the meaning of the letter, from those where the altercation lies upon the quality of the fact; for the point of inquiry never is so much upon the quality of the fact itself as upon the letter of an act, which is entirely distinct from the plea upon the fact; therefore those kinds of pleading that can fall within the compass of an orator's discussion and debate are no more than three; first, that which may be done, that which has been done, and that which is to be done; the next is the quality, and the last the denomination under which it comes. For that kind which, according to some Greeks, consists in the inquiry whether it was done lawfully or not, is entirely comprehended under the quality of the fact.

CHAP. XXVII.

But that I may return to what I proposed; after I have heard and comprehended the nature of the cause, I begin to enter into its merits; there my view is to find out the principal point, on which I am to lay the stress of that part of my pleading, which immediately regards the question and the trial: in the next place, I very attentively consider two things; the first, how

I may recommend myself and my client; the next, how I may best win over the affections of the audience to the part I espouse. Thus the whole business of speaking depends upon three points of persuasion; to prove the side we take to be right, to conciliate the favour of our audience, and to direct their passions to every emotion that the nature of the cause requires. With regard to proof, two things present to the orator; first, those points which are not invented by him, but arise from the reason and nature of the subject; such as deeds, evidences, bargains, conventions, trials, laws, acts of the senate, precedents, decrees, opinions, and every such like point which is furnished out by the orator, but suggested to him by his cause and his client: the other point is that which entirely consists in disputation, and the disposition of the orator's pleading. In the first of these divisions he is to employ his thoughts how to make the best of the arguments that are ready to his hand, but here he is both to manage his arguments and to invent them. Here likewise the teachers, after they have split their cause into a great many heads, supply, with a power of arguments, each of these heads. Though this is more fitted for young students, who may thereby have a common-place that furnishes them with ready formed arguments as soon as a cause is stated, yet it both shews a slowness of parts to creep after the streams, without mounting to the fountain head; and if men of my age and practice want to derive it from the fountain head, and discern the source from whence every rivulet flows. And in the first place, the nature of those proofs that are furnished to an orator ought to be thoroughly digested for our future practice upon all like occasions. For we either use to plead specially upon the general head, when we speak for or against deeds, for or against evidences, for or against trials, and other affairs of the same nature; or we plead determinately upon particular junctures, persons, and motives: all these are points (I now address myself, Sulpicius, to you and Cotta) we ought to have in readiness, and prepared with the utmost digestion, and upon the most mature reflection. For it would now take me up too much

time to point out what method is most proper for confirming or invalidating the strength of evidences, deeds, or depositions. All these require little capacity but great practice: it is true they require so much of the art and rules of eloquence, as that they may come recommended by certain ornaments of speech. At the same time those properties which are of a different nature, and are the pure effect of the orator's art, are not very difficult to invent, but require to be perspicuously and politely laid out. Therefore, as these two points are chiefly to be regarded by us in pleadings; first, WHAT; secondly, HOW we are to speak; *let us observe*, that the first, which appears to be as it were impregnated with the whole power of eloquence, does indeed require art, but a very indifferent share of address to manage it. It is in the other, that the divine power and energy of an orator is to be perceived; I mean in his delivering what he has to say with the gracefulness, the flow, and the command of expression.

CHAP. XXVIII.

THEREFORE, as you once thought me qualified, I shall not decline, though perhaps in a manner not quite so polite or finished, to talk of the former of these points; I mean from what topics a speech is brought to those three qualities that only can reconcile it to credibility; to wit, conciliating, informing, and moving the minds of an audience; and how well I succeed you yourselves shall judge: *these are indeed three in number*, but in what manner they are to be illustrated there is one in company who can instruct us all; the man who first introduced it into practice, to whom alone it owes its highest improvement and noblest effects. For I, Catulus, what I speak can never be taken for flattery, think that there has been no orator of any eminence, either Greek or Roman, in our age, whom I have not frequently heard with great attention. Therefore if I can effect aught, as I have some reason to believe I can, from the attention given me by men of your understandings, it proceeds from my

fixing thoroughly in my mind every circumstance that was advanced by every one of those orators. And here, without presuming to say who I am, or how far I am a judge, after hearing all these speakers, I make no manner of difficulty to declare it as my fixed principle and belief, that not one amongst them all ever possessed the graces of eloquence in so great variety, or to so great a degree, as Crassus does. Therefore, if you shall be of the same mind, I think it will be no unfair division if, after throwing this orator into the mould I propose, I shall create, nurse, and train him; I should then turn him over to Crassus to be clothed and dressed. Do you rather, Antonius, says Crassus, go on as you proposed; for it looks neither natural nor creditable in a father not to clothe and dress the child of his own begetting and breeding up; especially as you cannot deny that you are wealthy. For what gracefulness, what strength, what spirit, what dignity can be wanting in that orator who in finishing his pleading durst boldly produce a consular, who was upon his trial, untruss his vest, and shew to the judges the scars that marked the body of the aged general? An orator who, while Sulpicius here was the impeacher, when he defended a seditious and furious Roman, was at no loss how to make sedition itself look lovely; and to prove, in the most plausible expressions, that the people had often been seditious upon justifiable grounds, and that no man can answer for them? And that a great many seditions had happened for the good of the constitution; as when the kings were driven out, and the tribunical power appointed. That this sedition of Norbanus, which arose from the concern of the people, and their hatred of Cæpio, who had lost an army, could neither be suppressed nor deemed illegal. Could a topic so tender, so unprecedented, so ticklish, and so new as this, be handled without an incredible power and address of eloquence? What shall I say of the pity you raised for Cn. Manlius? what of that raised for Quintus Rex? what of a vast number of other instances? wherein you did not distinguish yourself by that inimitable quickness that is so universally allowed to

be yours, but by those properties which you now delegate to me, and in which you were ever eminent and unrivalled.

CHAP. XXIX.

For my part, says Catulus, there is one thing that used to give me great surprise with regard to you two, which is, that though your manners of speaking are quite different from one another, yet both of you speak so as if nothing were wanting in you that can be possessed from nature, or acquired by learning. Therefore, Crassus, you shall neither deprive us of your enchanting manner, in explaining every thing that may have been overlooked by Antonius, nor Antonius, if you have overlooked any thing, shall we attribute it to your want of abilities, but to your desire of hearing it spoken to by Crassus. Then, says Crassus, Antonius, do you omit such of those points you proposed, as nobody here wants to be instructed in; I mean from what topics the subject of a pleading are to be drawn. For though you can speak to them in a new and striking light, yet in their own nature they are easy, and the rules laid down with regard to them are common; but produce to us those qualities that you so often exert, and always divinely. With all my heart, replied Antonius, and to induce you the more easily to comply with my requests, I will refuse none of yours. My whole eloquence, and that character which Crassus just now extolled to the skies, consists of three rules I observe; the first, with regard to conciliating; the second, to informing; and the last, to moving mankind. The first requires gentleness, the second pointedness, and the last energy. For it is necessary that the judge, while we have a cause a trying, should either be inclined by the bias of his own inclinations, guided by the strength of our reasoning, or forced by the emotions of passion to favour us. But since that part which comprehends the representation and defence of the facts themselves seems to contain, call it the learning of this kind, let us first say a few words upon that head. For the

observations I have made from practice, and imprinted upon my memory, are but a few.

CHAP. XXX.

AND here, Lu. Crassus, I readily agree with your wise advice, that we should omit all the pleadings upon those special causes which masters use to prescribe to their scholars. Let us however disclose those sources from which all argumentation is drawn, and adapted to every speech and every cause. For as when we have occasion to write a word we are not puzzled to find out how many letters that word is composed of; so when we plead in a cause, we have no occasion to ruminate upon the distinct arguments that are to support it; for certain common-places immediately suggest themselves in the same manner as letters do in spelling a word. But these common-places are useful only to an orator who knows business either by experience, which is the attendant of age, or from hearing and reflecting, which by means of study and application supply experience. For bring me the most learned man alive; to learning let him join a strong and a penetrating head; and to that the readiness of expression; yet if he is a stranger to the practice of the state, the precedents, the maxims, the manners and inclinations of his countrymen, those common-places that furnish arguments will very little avail him. Give me the genius that has culture, like a piece of ground, which, after the first ploughing, has been fallowed and harrowed, to make the crop the better and larger; now the culture of a genius consists in practice, hearing, reading, and writing. And, in the first place, let an orator discern the nature of the cause, which is always self-evident; let him inquire if there are any facts, of what quality they are, and under what denomination they come? When he is quite master of this, his own good sense, without the subductions that these fellows teach, will suggest immediately where the stress of the cause lies; I mean the point which if cleared up must end the dispute; and then what is the point to be tried, which those

teachers instruct us we are to find out in this manner? Opimius has slain Gracchus. Where does the stress of this cause lie? Why, in that he did it to serve his country, as he called the people to arms by an order of the senate; without this there is no plea. But Decius will tell you that even that was unjustifiable, if it was a proceeding repugnant to the laws of his country. Why then the dispute will turn upon this; whether the overt-act could be defended, when committed by virtue of a decree from the senate, in order to save the state? These consequences are all plain and obvious to common sense; but we may still be at a loss for the arguments that ought to be advanced both by the impeacher and impeached upon that point which is decisive in the affair.

CHAP. XXXI.

And here we may perceive the capital mistake of those teachers to whom we send our children, not that it has any very great relation to speaking, but that you may see what dunces and fools those fellows are who think themselves learned. For in dividing the methods of speaking, they lay down two kinds of causes; the one in which, according to them, the proposition is general, without relation to particular persons and times; the other is confined to certain persons and times; and this, without knowing that all disputes depend on the strength and nature of your reasoning upon the general proposition. In the cause I have just now mentioned, the identity of the persons of Opimius and Decius are quite out of the question with an orator. For the proposition is indefinite, and of the general kind; whether a man is to be punished for killing a citizen by an order of the senate for the preservation of the state, though the overt-act is not warranted by the laws? In short, there is no cause in which the point that is to be tried has a dependance upon the persons of those concerned, and not upon the universality of the proposition. But in those very causes in which the fact is litigated, such as that upon the question, *Whether Decius took money unlawfully?*

The arguments both of the impeacher and impeached must be reduced to reasoning upon a general head. Whatever is urged against the spendthrift upon luxury; against the covetous upon avarice; against the seditious upon disaffection and disloyalty; and against many upon the subordination of witnesses; with all that can be advanced in favour of the accused of these several crimes, must all necessarily turn upon general reasonings, upon facts, and the universality of propositions, and not upon the juncture or the person. In the eyes of a man who does not so quickly comprehend the properties of subjects, the points which come under consideration upon the trial of a fact may appear too complicated; but we are to consider, that there is a much greater variety of persons, than there are of defences, or general topics.

CHAP. XXXII.

As to the disputes upon the nature of a fact, after the commission is admitted; if you are to form your ideas from the persons accused, the altercation must be endless and intricate; if upon the case, they will be very short and perspicuous. For if we suppose in the case of Mancinus, that the main consideration turns upon the identity of person, you will have a new pleading every time, that a man who is delivered up by the presiding herald is not received by the enemy. But if the merits of the cause turn upon this general proposition, *Whether a person, in the circumstances of Mancinus, has, or has not a right to the privilege of the state?* The orator then, neither in speaking nor reasoning, is to have any regard to the identity of person. Further, if any personal circumstances, either of merit or demerit, shall enter into a cause, though they are indeed foreign to the inquiry, yet there is a necessity that all the pleading upon them should be drawn from propositions that are universal in their nature. I do not maintain this with any view of reflecting upon men of learning; yet surely, whoever, in discoursing upon a general head, shall circumscribe their pleadings to persons and times, are to blame. For admitting

these considerations of persons and times, yet a man ought still to be sensible that causes are not tried upon these, but upon the merits of a general proposition. But I have nothing to do with this, for we ought to have no difference with such persons: it is enough if we understand that, with all the leisure they have, they have never yet been able to distinguish the nature of causes, or explain them with tolerable accuracy. But, as I said before, I have nothing to do with this. The other point regards me, and much more, my friend Cotta, you, and Sulpicius. In the manner that their rules are now laid down, the multitude of causes are formidable; for they are infinite, if the stress of each is to lie upon persons; then so many persons, so many causes. But if they are reduced to general propositions, these are so moderate and few, that all industrious, attentive, and considering orators, must needs digest them in their minds, and have them all by heart. Unless you may be of opinion, that Lucius Crassus studied the cause of Manius Curius entirely with a view to personal considerations, and from these considerations brought a great many arguments, why, though no child was born of the testator's body, yet that Curius ought to be the heir of Coponius. The name of Coponius or Curius had nothing to do with the fulness of the proof, or the force and nature of the cause. All the question lay in the general proposition upon the fact and the circumstances, and not upon the time or names; since the words of the will were, IF A SON SHALL BE BORN TO ME, AND HE SHALL DIE BEFORE HE IS OF AGE, *&c.* THEN LET SUCH A MAN BE MY HEIR: if a son was not born, then the question lay, whether the person who was appointed heir upon the demise of the son could inherit?

CHAP. XXXIII.

A QUESTION built upon unvarying equity, and of a general nature, requires not to be supported by names of persons, but by address in speaking, and clearness of proof. In this our lawyers likewise hamper us, and frighten us from learning. For I perceive in the writings of Cato and Brutus, that generally the names

of men and women, who consulted them upon any point of law, are mentioned, with a view, I suppose, to make us believe that some matter of deliberation and doubt arose, not from the state of the case, but from personal considerations. That, as there is an infinite number of individuals, upon this discouragement we should lose, with the hopes, all inclination to learn the law. But Crassus will some time or other make this easy to us, and digest it under its several heads. For you must know, Catulus, he yesterday promised, that he would reduce into certain heads, and easily bring into a system, the civil law, which is now so unconnected and dissipated. Why really, says Catulus, this is no difficult matter for Crassus to effect, who has learned as much law as is possible to be learned, and who has supplied even the defects of his teachers; therefore he may well point out with accuracy, or embellish with gracefulness, every point of the civil law. Let therefore Crassus teach us these points, says Antonius, when he is retired from bustle and the benches, and is master of himself, and what he thinks his retirement. Though I have already, says Catulus, often heard Crassus declare, that he was determined to retire from all the business of the forum; but, as I used to say to him, he will never be indulged in this; because he himself will never suffer the worthy of his own country fruitlessly to implore his assistance; nor indeed will his country admit of it with patience; for that time which shall deprive her of the eloquence of Crassus, will rob her of an ornament. Upon my word, says Antonius, if what Catulus has said be the truth, you and I, Crassus, must even tug at the same oar, and abandon that drowsy, droning wisdom, to the leisure of the Scævolæ, and other happy mortals. Go through, Antonius, said Crassus with a gentle smile, what you have begun; yet, as soon as I shall shelter myself under that droning wisdom, I shall then assert my freedom.

CHAP. XXXIV.

ANTONIUS continued: well then, said he, we have

concluded the point which I set out with, since we agree that all matters of altercation consist not in the persons of mankind, which are innumerable, nor in times, which are indefinite, but in the circumstances and nature of the case; all which are not only definite, but even few; and further, they who want to speak should comprehend the subject upon which they are to speak, of whatever kind it may be, with all its different descriptions, instructions, and ornaments; so far, I mean, as it relates to facts and sentiments. The force of these will beget expression, and expression too, which, in my opinion, is sufficiently ornamented, if it seems naturally to arise from the subject. And if truth is your sole aim, as I think it ought to be, for I never can take it upon me to affirm any thing but what I really think and conceive to be true, we ought to carry along with us into the forum this fashioner of causes, and their several natures; nor ought we to poke into common places for arguments upon every cause that is laid before us; for every man who considers them with but a moderate share of study and practice, can make the best of them. And yet his thoughts ought always to turn upon those general heads and topics, which I have often mentioned, and from which he can derive every thing that is to be said in any pleading. This, call it art, observation, or practice, consists in the knowledge of the divisions within which you are to hunt out, and trace your game. After you have fortified all this field by reflection, provided you know how to take advantage of circumstances, nothing will escape you, and every thing that is material to the question will occur, and fall in your way.

CHAP. XXXV.

THUS, since three things are requisite to invention in speaking; quickness, method, which, if we please, we may call art, and application; the chief part I must allot to genius; but as to application, that mends the slowness of genius itself. Application has great influence in all cases, but in pleading the greatest; it is

to be the principal object of our care and assiduity, and with its assistance there is nothing but we may surmount. It is by application, as I said at first, we can make ourselves masters of a cause; it is by this that we give such attention to our antagonist, as to lay hold, not only of his sentiments, but even of his words. In short, it is owing to application that we can make advantage even of his very look, which is generally the index of the mind. But good sense must direct us to be so cautious, as that he can take no advantage of this. Next, it is owing to application, that our mind can make an excursion into those fields which I shall soon open, so as to enter thoroughly into the cause, and have all its powers and recollection in readiness. But to apply memory, utterance, and strength, as it were, to illuminate all these matters, that is the great consideration. There is indeed some small room, into which we may edge in art between memory and application. Art only points out the place where you are to search, the place where the end you are in quest of lies: all the rest consists in care, attention, reflection, vigilance, assiduity, and industry. I will speak all these in one word, which I have often mentioned, and that is application: it is in this single virtue that all the other virtues consist; for we perceive that philosophers are at no loss for the copiousness of expression; yet they, I think, (but you, Catulus, will speak better to that) lay down no rules for speaking, though at the same time they abate nothing of their undertaking to speak with fulness and copiousness upon every subject that is proposed.

CHAP. XXXVI.

Says Catulus; it is true, Antonius, as you observe, philosophers commonly lay down no rules for speaking, and yet they are never at a loss to speak upon every subject that is proposed: but Aristotle, who is my favourite, has laid down certain common-places, in which may be found the method of every argument, not only according to philosophical, but even our oratorial, disputation. Your discourse, for some time,

Antonius, did not at all disagree with that philosopher. Whether from a sympathy of genius you have trod in the steps of that divine scholar, or whether, as is most probable, your observation is the result of what you have read and learned in his writings; for I perceive that you have applied more to the Greek learning than we imagine. I will tell you the truth, Catulus, answered the other: I have always thought that an orator would be more agreeable, and more plausible to our countrymen, who in speaking, first shall shew very few symptoms of artifice, and then nothing of Greek learning. At the same time, I have thought it discovered more of the brute than of the man, not to listen to the Greeks, when they undertake, profess, and handle such weighty matters, and not only so, but have pretended to give mankind a rule for discerning the most obscure subjects, for living morally, and speaking copiously; and if one does not hear them publicly, for fear of derogating from his character among his countrymen, yet, at least, clandestinely to catch up some of their words, and, without seeming to take notice, mark what they have to say. This, Catulus, has been my method, and by this means I have a general notion of their argumentations, and their several kinds.

CHAP. XXXVII.

Says Catulus; indeed you have steered to the coasts of philosophy with as great caution as if you had been afraid to split upon the rock of some unwarrantable desire, yet this state has never despised philosophy. For at the time when the greater Greece lay in this country, Italy was full of Pythagoreans; from whom came Numa Pompilius our king, who is said to be a Pythagorean; yet he lived a great many years before Pythagoras. For this reason we are to look upon him as the greater man, since he possessed the knowledge of civil polity almost two ages before the Greeks perceived that such a knowledge existed. And surely this state never produced men more eminent in renown, more weighty in authority, or

more polished in their manners, than were P. Africanus, C. Lælius, and L. Furius, who always publicly had about their persons the most learned men they could get from Greece. And I have often heard them say, that the Athenians did a very agreeable thing, both to them and to a great many leading men of this city, when they sent, in an embassy upon their most important concerns, the three most eminent philosophers of that age, Carneades, Critolaus, and Diogenes: that when these were at Rome, their lessons were daily frequented by themselves and others. After the authority of those great men, I am surprised, Antonius that, like the Zethus of Pacuvius, you should almost declare war upon philosophy. By no means, replied Antonius; I have rather resolved to philosophise a little like Neoptolemus in Ennius, for I do not love to be a finished philosopher. But my opinion is this, and I had thought I had explained it: provided these studies are moderate I do not condemn them: but I think it is very prejudicial to an orator that a judge should imagine he is devoted to these studies, and suspect that he made use of sophistry. For this takes away both from the weight of an orator and the credit of what he delivers.

CHAP. XXXVIII.

But to return from whence we digressed; do not you perceive that of these three very famous philosophers, who you say came to Rome, Diogenes professed to teach the art of dissertation; of separating truth from falsehood; which the Greeks call *logic?* In this art, if it is an art, we have not one rule how to find out the truth; all the matter is how to judge of it. For it happens that in every proposition we lay down, whether it is of the affirmative or negative kind, if it is simply laid down, these logicians undertake to judge whether it is true or false; and whether it is produced conjunctively or adjectively; they pronounce whether it is rightly adjoined, and whether the sum of every reasoning is true: at last they so hamper themselves with their own quirks and subtilties, that they fall

upon knots which they are not only unable to unravel, but even render knotty those points which they had before cleared up, or rather unloosed. Here, therefore, our Stoic is of no assistance to us, insomuch as he lays down no rules with regard to my inventing what I am to say: nay, he even puzzles, by throwing in difficulties in my way, which he declares to be indissoluble: and all this in a style by no means perspicuous, diffusive, or easy; but jejune, dry, cramped, and niggardly; so that if he proves any thing, it must be owned that his manner is far from being agreeable to that of an orator. Our profession leads us to court the attention of the many, to delight their understandings, to force their affections, to approve of what is not to be weighed in the scales of a jeweller; but, as it were, in the balance of popular opinion. Let us therefore bid adieu to this whole system, which, in inventing, is too mute; in adjudging, too loquacious. I am of opinion that Critolaus, whom you mention to have come along with Diogenes, could have been of much more service to our profession. For he followed Aristotle, from whose precepts you perceive I do not much differ. I have read his book, where he treats of the methods of speaking which were used by his predecessors, and likewise those works where he lays down something of his own upon this head; and to me there appears this difference between Aristotle and his brother masters of this art: he, by the same mental eye with which he took in the power and quality of every object in nature, likewise surveyed the properties of eloquence, which at the same time had but a second place in his esteem; but the others, who are wholly engrossed with this study, dwell upon this single province of dissertation, and dispute not with the good sense of Aristotle, though they are masters of practice and study superior to his upon this single point. But as to the wonderful energy, and the variety of the eloquence of Carneades, it is that we are to wish for; for in those disputations he never defended what he did not make good; he never attacked what he did not overthrow. This however is somewhat more than is to be expected from those professors and teachers.

CHAP. XXXIX.

But were I to train up one quite illiterate to eloquence, I would rather deliver him over to these drudges, who night and day hammer on the same anvil, in the same dull tract; and who feed their scholars as nurses do infants, with minced meat. But if he has had liberal education, if he has had any experience, if he seems to be tolerably acute, then will I hurry him, not where a little rivulet shall confine, but where a whole flood of eloquence shall break upon him. Where he shall be shewn the seats, and as it were the mansions, of arguments, where he should have them illustrated in a few words, and defined by proper expressions. For what difficulty can there be to a man who is sensible that every topic in discourse, that serves either to prove or to refute, is derived from its own power and nature, or borrowed from some exterior circumstance? The former consists in the universal or partial inquiry into the nature of a thing; its term, or any quality that comes nearest to the case. As to exterior circumstances, they are gathered from abroad, and are not inherent to the nature of the case. If the question is general, its force is to be explained by a general definition, in this manner; "If majesty consists in the grandeur and dignity of a state; then he attains it, who delivers up a Roman army to the enemy, and not the person who delivers such a traitor to the power of the people of Rome." If the question is partial, it is to be done by partition in this manner: "The senate is either to be obeyed in matters that concern the welfare of the state, or some other authority is to be instituted, or one must follow what his own reason suggests: an authority foreign to that of the senate would be *presumptuous;* one's own determination would be *arrogant.* The authority of the senate was therefore to be followed." If the question lies in the term, as in the case of Carbo, it passes in this manner; "If he is a *consul* who *consults* the good of his country, what else has Opimius done?" But as to questions that turn upon qualities which come nearest to the case, there are more seats and common-

places from whence proofs may be drawn. We then inquire into arguments drawn from accidental properties, general heads, and their subdivisions, similarities, and dissimilarities, contrarieties, and consequentials, agreements, and, as it were, whatever is antecedent and repugnant: we trace causes and their effects, and inquire into arguments drawn from the properties that are either greater, equal, or less.

CHAP. XL.

As to arguments drawn from accidental properties, they are thus formed. "If the greatest honour is due to piety, then you ought to be sensibly touched when you behold the pious sorrow of Q. Metellus:" from the kind; "If the magistracy ought to be subordinate to the people of Rome, why do you accuse Norbanus, whose tribuneship was always subservient to the pleasure of the state?" As to partial arguments, which are subdivisions of general heads; "If all who consult the good of our country ought to be dear to us, a general ought surely to be the dearest, since it is by his counsels, courage, and dangers, that we retain the safety of our persons, and the dignity of our empire." From similarity thus; "If even wild beasts love their young what an affection ought we to bear to the children of our body?" From dissimilarity thus; "If barbarians lay no account for to-morrow, our wisdom ought to make provision for eternity." And in both kinds, both of similarity and dissimilarity, examples are to be brought from the actions, the sayings and the accidents of others; and very often you are to lay down fictitious narratives. Now as to contrarieties; "If Gracchus acted unnaturally, Opimius acted nobly." From consequentials; "If a man was killed by the sword, and you his foe was taken upon the spot with a bloody sword in your hand; nobody was seen there besides yourself; if nobody had any grudge at him, and you were always remarkable for audacity, how can we doubt of your committing the murder?" From circumstances that are agreeing, antecedent, and repugnant, let us borrow the words of Crassus, when he

was a youth. "Carbo, though you defended Opimius, yet these for all that will not esteem you as a good citizen; it is plain that you have dissembled, and that you had something else in view, because in assemblies you often deplored the death of Tiberius Gracchus; because you was an accomplice in the death of Publius Africanus; because in your tribuneship you enacted that law; because you always dissented from patriots." As to arguments drawn from motives, they proceed in this manner; "If you want to take away avarice, you must take away luxury, its mother." As to effects arising from causes; "If we employ the wealth of the treasury for supporting us in war, and adorning us in peace; let us do every thing then to improve our revenue." As to greater, to lesser, and parallel circumstances, we manage them thus. The greater; "If a good name is better than riches, and if riches are so desirable, how much more is glory to be coveted?" An argument taken from the lesser is this;* "*If upon but small acquaintance, he bears her death so tenderly, how would he have borne it if he had loved her? how will he bewail me who am his father?*" From equal cases thus; "The same man who plunders his country, corrupts it with its spoils." As to arguments taken from exterior circumstances, these are borrowed, not from the strength of a cause itself, but from extraneous objects: as for instance; "This proposition is true, for Q. Lutatius advanced it; the other is false, for it was extorted by the rack." This is a necessary consequence; for I read over the deeds; as to every thing else in general I have spoken to it before. As all these may be exemplified in a very few words, so I have discussed them accordingly.

CHAP. XLI.

For, as if I were to point out a mass of gold that is buried in several places, it would be enough if I should describe the signs and marks of the places where it lay; for then the person to whom I thus described it,

* This example is borrowed from the Andria of Terence.

might find and dig it up with ease and certainty: thus, after I had made myself master of these distinguishing characters of arguments, they pointed out what I was in search of, all the rest is to be wrought out by care and invention. But as to the nature of those arguments that are best adapted to these several kinds of causes, it does not require consummate art to prescribe them, and but a middling degree of genius to judge of them. For our business is not now to explain any art of eloquence, but to lay before men of the greatest learning, as it were, certain hints that arise from my own practice. When these topics are imprinted upon the mind, and reasoning faculties, and disposed so as to serve upon all occasions, nothing then can escape an orator, not only in his altercations in the forum, but in every species of speaking. But if he should attain to that pitch of perfection, as to be taken for the very person he assumes; and if he can so touch the affections of the judges, as either to drag or impel them to what sentiments he pleases; believe me, he then wants nothing that can contribute towards forming a finished orator. Let us now proceed to prove, that it is not sufficient you can invent what you have to say, unless you know how to manage what you have invented. Variety is necessary in this, both to conceal your art from the hearer, and to prevent his being cloyed with frequent returns of the same ideas. It is proper, sometimes, to lay down what you advance, by way of proposition, and to shew the reason why it is so: and sometimes to draw a conclusion from the same topics: sometimes to leave it to be formed by the hearer, and make a transition elsewhere: sometimes to make no proposition at all, but to leave the reason of the thing to point out what should be proposed. If you rest your argument upon a parity of reasoning, you are first to prove the parity; you are then to make an application to the point in question: you are generally to conceal the pungency of your proofs, so as that nobody shall be able to count them up, that they may be distinguished in reality, but appear blended one with another in your speech.

CHAP. XLII.

I TALK as a smatterer in this cursory way to you who are learned, that I may at last come to matters of greater consequence. For there is nothing, Catulus, of greater importance to an orator, than to prepossess his hearer in his favour, so that the emotion he himself feels may proceed from the impulse of the mind, or a certain perturbation, rather than from the result of his cooler judgment. For men oftener form a judgment through the influence of hatred, love, desire, anger, grief, joy, hope, fear, mistake, or some emotion of the mind, rather than truth or precept, or any rule of law, or any form of judgment or statutes. Therefore, unless you should object to it, let us proceed to these points. Says Catulus, there is some little thing seems to be wanting, Antonius, with regard to the subject you have already explained, and which you ought to clear up before you proceed to what you proposed. What is that? replies Antonius. Says Catulus; it relates to the order and arrangement of proofs that please you best; for in this particular you always seemed something more than mortal. You shall judge, Catulus, replies the other, how much more than mortal I am upon this head: upon my word, had I not been put in mind, I should not have once thought of it; by this you may judge that all the success I have in speaking is owing either to practice or chance. Yet that very point, which because I was unacquainted with it I passed by as one would a man he never knew, is of as much efficacy in eloquence as any other circumstance in the whole. But give me leave to say, that you seem to anticipate the time when I am to lay down the method of proceeding upon, and disposing a subject: for had I placed all the power of an orator in proofs, and the evidence that arises from the nature of the cause, now would be the time to speak upon the disposition of proofs, and upon the arrangement; but as I have as yet spoken only to one of three points which I proposed, after I have spoken to the other two, then, indeed, it may be proper for us to talk upon the general disposition of a speech.

CHAP. XLIII.

THE approbation of the morals, the views, the actions, and lives, both of the pleader and the client, have the greatest influence upon the success of a pleading; as has the impeaching those of your antagonist. And likewise to conciliate as much as we can the minds of the judges to favour both the orator and the client. A favourable opinion again is gained by the dignity of person, by the actions he has performed, from his reputation, which are much more easily embellished if they are real than if they are fictitious. But the helps of an orator consist in these; the softness of the voice, the look, the symptoms of bashfulness, the gracefulness of expression; and, if you are obliged to run into invectives, the apparent reluctance you discover. It is of the greatest utility to disclose indications of easiness, generosity, affability, piety, gratitude, moderation, and disinterestedness; all the properties of the worthy, and the meek, of the gentle, the yielding, of the peaceable, the relenting, are all extremely engaging, both in favour of the speaker and the person for whose interest he pleads; and they prepossess the mind against the persons of those who do not possess these qualities, in proportion as they favour the other party who does. But all this manner of speaking has the greatest effect in those causes where it is difficult to inflame the judge by any keen, spirited emotion. For vehemence of speech is not always proper, but there is often required a style that is gentle, mild, submissive; which is of the greatest service to a party;* by this expression I mean not only the accused, but all who have an interest at stake; for this was the language of our forefathers. It has therefore a wonderful effect in a speech to express their manners as just, upright, religious, diffident, and patient under injuries; and this, either in the beginning, in the narrative, or in the peroration, has so great effect, if it is agreeably and feelingly handled, that it is often of more force than the merits of the cause itself. But

* *To a party*]—The Latin has *reus*, which in the time of Cicero signified any person prosecuted.

such is the effect of a feeling manner of speaking, that the speech becomes, as it were, the picture of the speaker's character. For there is a character of sentiments and expression, which, when joined to a gentle, easy action, makes us appear men of probity, of worth, and virtue.

CHAP. XLIV.

But very different from this is that method of speaking which affects the minds of the judges in another manner, and impels them to hate, to love, to spite, to favour, to fear, to hope, to desire, to abhorrence, to joy, to sorrow, to pity, to resentment, or leads them to those emotions, if any such exist, which are congenial with, or allied to those, or the like passions of the soul. An orator too is to wish that the judges should bring along with them a disposition of mind, which is most suited to favour the cause he pleads. For it is observed, it is much easier to give spirits to the man who runs, than motion to him who is drooping. But if this is either impossible, or very difficult to be effected, then I act like the careful physician, who before he prescribes a remedy to his patient, informs himself, not only of the nature of the disease he wants to cure, but of his habit and constitution when he was in health. For when I enter upon a doubtful cause, by which it is very difficult to manage the affections of the judges, I employ all my care, attention, and reflection, to have the truest sense that I can of their thoughts, their apprehensions, their expectations, and desires, and on what side their inclinations appear most accessible. If they yield, and, as I said before, if their bias naturally favours our impulse; I make use of the advantage given, and spread my sails before the wind. But if the judge is unbiassed, and composed, it is a more difficult task, for then every passion is to be worked up by the dint of eloquence, without any assistance from nature. But eloquence, which an excellent poet rightly terms the *mistress of affections, and queen of the universe*, has such a power, as not only to rear the stooping, or to bend the erect, but like a skilful and

brave commander, it makes captive even reluctance and opposition.

CHAP. XLV.

THESE are the properties which Crassus, a little time ago, so earnestly desired to hear from me, when he said, in jest, I suppose, that I used to handle them divinely, and commended some things that passed in the cause of Manius Aquilius, and Caius Norbanus, and some others, as managed with great address. Yet, by heavens! Crassus, when you employed these qualities in your pleading, I used to feel myself shudder: there was so much spirit, so much force, so much passion in your eyes, your features, and your air; nay, your very hands had meaning in their motions. So powerful was the torrent of weighty, well-chosen expressions, so entire your sentiments, so just, so new, with so artless, so manly a glow, that to me you seemed not only to fire the judge, but to be all in flames yourself. Nor is it possible that a hearer should ever be impressed with sorrow, with hatred, with detestation, with dread; it is impossible to move him to tears or pity, unless the speaker shall appear affected, and possessed with all the passions which he aims to awaken in the judge. But if an orator is to borrow a passion, and if every thing he shall advance in his speech is to be false and personated, then indeed a greater degree of art may be necessary. Now, Crassus, I do not know how it is with you and other people, but for my own part I know of no cause that could induce me to be at the expense of a lie before men of the greatest good sense, and my best friends. I never, by heavens! attempted to awaken in the judges passion, pity, detestation, or hatred, that I did not at the same time feel within my own breast every emotion I wanted to raise in theirs. For it is no easy matter to point the anger of a judge against the person you aim at, if you seem to be cool and dispassionate yourself; it is no easy matter to make him hate the man you wish he should hate, unless he first sees you all on fire with your own resentment: you never shall

be able to bring him to compassionate without proofs of your own pity, from your words, sentiments, voice, look, nay tears. For as no matter is so combustible as to kindle without the application of fire, so no mind is so susceptible of the power of eloquence as to catch its blaze, unless the speaker, when he attacks it, is all of a flame himself.

CHAP. XLVI.

But lest it may be thought somewhat wonderful and incredible, that a man should experience such frequent vicissitudes of anger and grief; that he should feel so many emotions of soul, especially in matters he has no concern in himself; we are to consider that the power of those sentiments and topics which you exert and apply in pleading, is so great, that there is no occasion to have recourse to disguise and falsehood. For the very nature of the *pathetic* style makes a deeper impression upon the orator himself than it does upon any of his hearers. And that we may not be surprised at this happening in causes, in trials, in the forum, in the city; when our friends are in danger, when a multitude is assembled; we are to reflect that not only the reputation of our own abilities is at stake, (and though that is but trifling, yet still it is to be considered as somewhat, as you profess to reach what is attainable by few), but you have a much more important concern depending, I mean your honour, your duty, and your fidelity in discharging it. These are such motives, that even while we defend the merest stranger to us upon earth, if we have any regard to our own moral character, we cannot consider him as a stranger. But, as I have observed, to reconcile this to credibility in our case, can any thing have less reality than the subject of verses, a play, or a tale? Yet I have seen the very eyes of a player sparkle through his mask when he repeated these lines: *Durst you part with him? Without him, durst you enter these walls? Did you not dread the aspect of a father?* He never pronounced the word ASPECT, but I thought I saw old Telamon frantic with grief at the loss of his

son. Again, when he assumed a more compassionate tone; *You have torn in pieces, you have robbed, you have murdered your father in the loss of a son who was the prop of his stooping age; without any regard to the death of your brother, or to his helpless infant, who was given into your guardianship.* These words, I say, he pronounced all in tears and sorrow. If this player, notwithstanding his daily practice, could not play this speech rightly without a real passion, what! can you imagine that Pacuvius was cool and composed when he wrote it? By no means; for I have oftentimes heard, and they say it is confirmed by the writings of Plato and Democritus, that no good poet ever lived without a blaze of spirits, and a certain breath of enthusiasm.

CHAP. XLVII.

THEREFORE do not imagine that I, whose business is not to imitate or personate in my pleadings the romantic exploits, or the imaginary disasters of ancient heroes, who am not the copy but the original of the character I appear in, when I was to save Manius Aquilius from banishment, while I touched upon the pathetic part, did not feel all the passion I expressed. When I saw the man who I remembered to have been consul, to have been a general distinguished by the senate, to have mounted the steps of the capitol in an ovation, depressed, dejected, sorrowful, in imminent danger; is it to be imagined that I attempted to awaken sentiments of pity in the breasts of others before I felt them in my own? Yes, I perceived that it greatly affected the judges, when I appealed to the old man's sorrow and dejection; and when I did what you, Crassus, have commended; when not from any art, which I know not how to treat of, but from a strong convulsion of grief and concern, I tore open his vest to shew his scars. When C. Marius, sitting at the same time upon the bench, by his tears greatly heightened the piteous scene I had disclosed: when, by frequently calling on him, I recommended his colleague to his protection, and requested his inter-

cession for defending the fortunes of all generals. The compassion I raised was not without my shedding a flood of tears, nor without my feeling a load of anguish; and the appeal that in every expression I made to gods, to men, to citizens, and friends, would not only have been ineffectual in raising compassion, had I not been deeply affected myself, but must have appeared ridiculous in my pleading. Therefore mark me, Sulpicius, like a good and learned master as I am, I teach you how, while you are speaking, you may be angry, how you may grieve, how you may weep. But why should I teach this to you, who, when you accused my companion and questor, raised a flame not only by your words but by your energy, passion, and glow of spirits, which burned so fierce as I durst scarcely venture to approach to extinguish it. For in that cause you had every thing that could contribute to give you a superiority; you had there a field to expatiate in the course of the trial, upon the violence, the flight, the stoning, and the cruelty of the tribunes, and on the piteous, lamentable disaster of Cæpio: then it was self-evident that Marcus Æmilius, a leading man in this city and the senate, had been struck with a stone, and it was undeniable that Lucius Cotta and T. Didius, when they wanted to put their negative, were driven violently out of the temple.

CHAP. XLVIII.

Besides, your being a young man added the greatest dignity to the complaints you poured forth in behalf of your country; while I, who had been a censor, was puzzled in what manner, consistent with my own character, I could enter upon the defence of a seditious citizen, so unrelenting at the misfortune of a consular person. The most worthy of our citizens sat upon the bench; the forum was full of excellent men; so that I could but just enter a slender plea of excuse; though I was to speak for one who had been my questor. Shall I here say that I applied my art? I will inform you of my conduct, and then you may place it under any division of art that you please. I

made a collection of the nature, the mischiefs, and the hazards of all seditions: I traced them down through every revolution of our government, and concluded by observing that though seditions had always been inconvenient, yet that sometimes they were warranted by justice, almost by necessity. Then I advanced what Crassus just now mentioned, that neither kings could have been driven out of the state, nor tribunes of the people created, nor the *consular* power so often impaired by acts of the commons, nor could the people of Rome have obtained the right of appeal, that protectress of our state, that guardian of her liberty, had it not been for their struggles with the nobility. That if seditions had done service to the constitution, any popular insurrection which might have happened ought not instantly to be charged on Caius Norbanus as a heinous crime, and a capital misdemeanour. I urged, if it were once admitted that the people of Rome might be lawfully alarmed, which I proved to have been often the case, they never had better reason than at that time. Then I gave my whole pleading a new turn, I pointed it against the flight of Cæpio, I bewailed the loss of the army. By this means I awakened all the grief of those who had lost their relations, and renewed the resentment of the Roman knights, who were judges in that cause, against Cæpio, who was before disagreeable to them, on account of certain judiciary proceedings.

CHAP. XLIX.

As soon as I perceived I had established my interest in the trial, and the force of my defence; that I had conciliated the favour of the people, whose rights were linked with the sedition I was then defending; and had directed the whole resentment of the judges, as arising either from the misery of the state, or from their grief for the loss of their relations, or their personal hatred of Cæpio, to favour my cause, I then began to mingle with this vehement, fierce style, the other manner which I have already mentioned, I mean

the gentle* and endearing. I told them that I employed almost all my reputation and fortune in defence of my companion, a relation which your ancestors looked upon as that of a son; that nothing could so much disgrace, nothing could so much grieve me, as that I, who had been often thought of service to the greatest strangers, who were at the same time my countrymen, should not now be able to assist a dear companion; I entreated the judges to yield this to my age, to the honours I had discharged, to the actions I had performed, if they saw me affected with a just and a pious sorrow; especially if in all my other causes they had perceived I had asked no favours for myself, but all for the exigencies of my friends. Thus, through all this pleading and cause, I very slightly touched upon any point that required art, such as speaking upon the Apuleian law, and explaining the nature of treason. But my whole management in this cause consisted in two parts, the first, in moving the passions; the other, in recommending myself; for the perfection of both which parts we are very little obliged to the rules of art. It was by these means that my invectives prevailed in renewing the popular aversion for Cæpio, and I myself appeared all gentleness and tenderness when I came to touch upon the nature of my private friendships. Thus, rather by moving the passions than convincing the understanding of the judges, Sulpicius, I baffled your impeachment.

CHAP. L.

YOU are in the right, Antonius, says Sulpicius, to mention this; for I never knew any thing slip out of my hands† in the manner that cause did at that time;

* *I mean the gentle*]—The reader may see in the first volume of the Orations translated into English, how well and how exactly Cicero has followed the rules here laid down in his defence of Milo.

† *Any thing slip out of my hands*]—The Latin has *quod tam e manibus elaberetur*. There is a sneer here of Sulpicius that has never been attended to. Antonius had just been telling in what a manner he had acted his part when he brought off Norbanus, and it is plain, that though the rules and examples he lays down

for, as you have mentioned, when I had left you to answer rather an invective than a reasoning, immortal gods! how did you begin? With what bashfulness, with what diffidence, with what hesitation, and with what an artful disposition! After you had gained the first point, and the only one that could induce the audience to pardon you, that you was to plead for a dear friend, and one who had been your questor,* what a road did you then pave to secure attention in the progress of your speech? But all of a sudden, while I imagined you only gained so far as that the audience thought you excusable, by reason of your connexion with him, in defending a profligate citizen, you, insensibly to all the audience, though much was I alarmed, began secretly to insinuate that Norbanus had not been seditious, but that all had happened through the justifiable, the merited resentment of the Roman people. Then in what place did you miss of a thrust at Cæpio; how you filled all the assembly with a mixture of hatred, resentment, and compassion! In this, not only in the body of your pleading, but

in the relation are extremely just, yet he treats the whole as a solemn farce; he concludes by saying Sulpicius was baffled, *magis affectis animis judicum quam victis.* Sulpicius in this passage keeps up the humour, and says that that cause had *slipt out of his hands.* This alludes to the farces, or *mimi*, where a fellow was brought upon the stage, and by different feats of activity, of the same nature with those of our *harlequin*, escaped out of the hands of the rest of the actors, who, pursuing him, left the stage clear, and thus the farce ended. For a more particular account of this see the note upon the oration for Cæcilius, in my translation, vol. ii. p. 162, line 23.

* *Questor*]—The dignity of pretor excelled that of questor, and is here compared to that of a father. Cicero, in his oration for Cæcilius, (see the first volume of the translation of the Orations, p. 121.) explains this passage. "It is a doctrine transmitted to "us from our ancestors, that the pretor is in place of a parent to "his questors; that no relation can be more binding, more inte- "resting, than a conjunction in office; than the common discharge "of a public duty, at the same time, and in the same province. "Therefore, though consistent with law you could prosecute him, "yet you cannot consistent with piety; because of your filial "ties. But, while he never did you wrong, if you impeach your "pretor, then must you acknowledge that your enmity is, on your "part, unjust and detestable."

with regard to Scaurus,* and the rest of my witnesses, whose evidence you did not set aside by your reasoning, but by appealing to the same passions of the people. Provided you but mention those things, for my part I require no other instruction. For I think I am sufficiently instructed in hearing yourself exemplify the manner of your pleading. Nay but, replies Antonius, if you please I will likewise instrúct you in the rules I used to follow, and had principally in view in my pleading. For the long time I have lived in the world, and the practice I have had in affairs of consequence, may well by this time make me master in what manner to touch the springs of passion in mankind.

CHAP. LI.

And for my own part I used to consider whether the nature of the cause required this manner. Because the flames of eloquence are not to be applied in trifling matters; nor when the audience are in such a disposition as that their passions are unsusceptible of emotion. For a man is thought ridiculous when he applies the *pathetic* to trifles; and he is odious when he attempts to *pluck up* what it is impossible to *move*. Now the passions which we have generally to work upon the minds of our judges, or an audience, are love,† hatred,‡ anger,§ envy,‖ compassion,¶ hope,**

* *Scaurus*]—He was the grandson of Aurelius Scaurus, who being taken prisoner by Bolus king of the Cimbrians; after the defeat of the Roman army, as he maintained to that prince, that the Romans were invincible on the other side of the Alps, and that he would experience it if he passed them: Bolus, losing patience, ran upon him with his sword, and killed him. *Strebæus.*

† *Love*]—Cicero, as I have observed before, has nobly exemplified all these in his oration for Milo. See vol. i. of the translation into English, p. 53, with what art he courts the love of Pompey for Milo.

‡ *Hatred*]—See p. 68, ibid.

§ *Anger*]—See p. 46 and 47, ibid.

‖ *Envy*]—See p. 57, ibid.

¶ *Compassion*]—See p. 54, 72, and 78, to the end of the oration, ibid.

** *Hope*]—See p. 60, ibid.

joy,* fear,† and uneasiness.‡ We perceive that love is conciliated by seeming to plead for what is advantageous to the audience: or if we exert ourselves for men of worth, or such as at least seem to them to be men of worth and utility. By the first we conciliate their love; by defending virtue, their endearment; and the prospect of a future advantage is always more affecting than the mention of a past service. You are to labour to prove, that either their dignity or utility is connected with the cause you defend; and you must intimate, that the person for whom you labour to procure all this love, never made any private advantage of his own by it, nor had any selfish views in what he did. For motives of interest beget hatred; but labouring for the service of others favour. But we must here take care, when we are upon this topic, not to extol too much the merit and the glory of those whom we want to recommend by such services; for nothing is so liable to envy as these. At the same time from these very topics we may learn how to direct resentment against others, and avert it from ourselves and our friends; and the same method is to be followed either in awakening, or allaying anger. For if you shall aggravate a fact, which must be pernicious or disadvantageous to your hearers, then, that begets resentment. But if this is to affect worthy men, or those who have not deserved it, or the public, it then begets, if not so keen a resentment, yet a disgust that is not at all unlike that of hatred or envy. Fear too is inculcated either from *personal*, or *common* danger. The *personal* affects us nearest, but the *common* must be laid out as having *personal* consequences.

CHAP. LII.

THE same method must be held with regard to hope, joy, or uneasiness: but I do not know whether

* *Joy*]—See p. 59 and 60, ibid.

† *Fear*]—See p. 61, ibid.

‡ *Uneasiness*]—See p. 1 and 2, ibid. In short, the oration for Milo seems to have been the original from which our author draws all the excellent precepts and observations he lays down with regard to eloquence.

the emotions of envy are not by far more keen than them all; and whether it requires most power to suppress or to awaken it. The chief objects of envy amongst mankind are such of our equals or inferiors who, raising themselves above our rank in the world, give us the mortification of seeing them soar above us. We likewise very often strongly envy our superiors, especially if they are arrogantly boastful, and upon the stress of the figure and fortune they enjoy in the world, shall transgress the bounds of common decency. In such a case, when we want to inflame, we ought chiefly to insist, that these advantages are not acquired by virtue; and then, that they were acquired by vice and crimes; but if they are of too weighty and serious a nature to be treated of in this manner, you are then to insist upon it that no merit, be it ever so great, can compensate for such insolence and such pride. But when you want to allay envy, you are to say that such honours were acquired through much toil and many dangers; and that they have not been applied to the possessor's private advantage, but to that of others; and that if he has seemed to have acquired any glory, yet so self-denying he was, that though he had justly earned it by his dangers, it was so far from giving him pleasure, that he undervalued and set it all aside. And we must by all means endeavour to beat down all this reflection upon his greatness, and to work up our speech so as that the distinction of his fortune should still be mingled with the reflection upon his toils and hardships. The reason of this is because the world is apt to envy; it is the reigning, the standing vice, and feeds upon exalted and flourishing fortune. Compassion is moved, if the hearer can be brought to apply to his own case the afflicting circumstances that are deplored in another's; whether they are already past or dreaded; or by looking upon another frequently to turn his eye into his own breast. Thus, as every circumstance of human nature is affecting when pathetically represented; virtue, when dejected and prostrated, is more so; and (as I have often mentioned) the gentle, mild manner of speaking, by recommending probity, ought as it were to give the picture of a virtuous man;

so this style, when an orator undertakes to change the affections, and mould them to all his purposes, ought to be intense and vehement.

CHAP. LIII.

But in these two kinds there is so strong a resemblance, that it is hard to distinguish when we ought to apply the gentle, and when the vehement. For something ought to flow from the gentleness, by which we conciliate the favour of the hearers, so as to mingle with that torrent of energy, with which we want to arouse them; and even that gentleness must sometimes be employed in inflaming some passion of the mind: nor can any speech be more happily tempered than that in which the eagerness of dispute is seasoned by the humanity of the speaker; and where, on the other side, gentleness is guarded by a certain gravity and perseverance in our purpose. In both these kinds, I mean that which requires force and disputation, and that which is adapted to the life and morals, though in setting out the speaker ought to be slow, yet in ending he ought to be quick and diffusive. For he is not to jump into that manner, it being quite foreign to the merits of the cause, and people wanting in the first place to know what they are actually to judge of; but when he is got into that tract, he ought not to leave it hastily; for you cannot upon the very first touch raise compassion, envy, or resentment in the same manner as when a proof is laid down it is immediately caught up. For a proof is strengthened by the conviction it carries, which seizes you as soon as discharged. But this kind of pleading does not so much require the clearness of a judge's head as the sensibility of his heart, and no man can ever succeed in it but by a diffuse, diversified, and copious language, and after a proportionable vehemence in the dispute. Therefore they who speak concisely and coolly may indeed instruct, but they never can move a judge, which is every thing. It is now clear, that in all disputes, the weapons that serve for opposite manners in speaking are supplied from the same stores; but the force of a proof

must be broken, either by finding fault with those circumstances that are brought to support it, or by shewing that the conclusion insisted upon does not arise from, nor is consequential to, the premises; or, if you cannot confute it by these means, you must contradict it by somewhat more or equally weighty; but those parts of a pleading which consist in lenity to conciliate, or in vehemence to move, are to be introduced from opposite passions, that kindness may succeed resentment, and envy pity.

CHAP. LIV.

But wit and humour are very often agreeable, and highly serviceable. And though every thing else were communicable by art, yet these are attainable only by nature, without the assistance of any art: in this, Cæsar, you, in my opinion, are far superior to all mankind, therefore you will either vouch for me, that art can never make a man witty, or if it can, you are the best master to instruct us in it. By your leave, replies Cæsar, I think a man who is no fool may talk more *wittily* upon any subject than that of *wit*. For when I saw some Greek *jest books* I had some small hopes of learning a little from them; and indeed I found a great deal of wit and humour among the Greeks; for the Sicilians, the Rhodians, the Byzantines; but above all, the Athenians, are masters in this manner. But they who have attempted* to lay down rulgs of art how to attain it, have turned out such arrant dunces, that they give you nothing to laugh at but their dulness. Therefore I do not think that this talent is communicable by any means. For as there are two kinds of wit, one that runs equally through the whole of a discourse, the other pointed

* *But they who have attempted, &c.*]—The strength of this argument is—if the Greeks, who are very witty, and the inventors of all arts, make themselves ridiculous and foolish in describing wit, it appears that it cannot by any means be taught, unless one better qualified than they undertakes it. Thus he lessens the Greeks, that he may commend himself and his own countrymen. *Strebæus.*

and short, the first was termed by our forefathers *raillery*, and the other *repartee*. Both of them are *trifling*, for one needs but *trifle* to raise a laugh. And yet, Antonius, as you observe, I have very often seen *humour* and *wit* have a prodigious effect in causes. But as art is not required in the continued vein of *humour*, which is the first kind I have mentioned, far less can it enter into *repartees*, which form the second, and which must hit without premeditation. For mimics and men of humour are made by nature; it is she that moulds their features, modulates their voice, and forms their very expression to second their looks. Was it owing to art that my brother here when Philip asked him, *why he barked?* answered, *because he saw a rogue*. How did Crassus express himself through all his speech before the Centumviri against Scævola; or in defence of Cneius Plancus against Brutus, who impeached him? For, Antonius, that which you attribute to me is universally allowed to Crassus, and he is perhaps the only man in the world that is master of both these kinds of *wit;* I mean that which runs through the whole of a discourse, and that which consists in quickness and smartness. For his whole defence of Curius against Scævola was a perpetual fund of pleasantry and humour; but without any of that *smartness*. Because, by paying a regard to the *dignity* of his antagonist, he preserved his *own;* and it is exceedingly hard for men of wit and quickness to pay any regard to junctures or characters; so as when they find themselves in a high vein of humour, to contain from pouring forth what comes uppermost. For this reason some arch fellows put an humorous enough construction upon a passage of Ennius: *It is easier*, says that poet, *for a wise man to keep a burning coal within his teeth, than a good saying*. Now, according to them, *good sayings* are *witty ones;* and, at present, they are commonly understood in that sense.

CHAP. LV.

But as Crassus went on against Scævola in that vein, which is quite void of all piqueing reflections,

he thereby turned the whole cause and disputation into ridicule. Thus when he spoke against Brutus, whom he hated, and whom he thought it a duty to expose, he fought with both weapons. How much did he play upon the baths he had then lately sold, and the patrimony he had squandered? and when Brutus said, *that he sweated without any reason*, how quick was his repartee? *How can it be otherwise*, said he, *for you have just got rid of a bagnio?* He had a vast number of such turns; but his standing raillery was equally agreeable: for when Brutus called up two readers, and gave one of them an oration of Crassus upon the Narbonese colony* to read; and the other, one upon the Servilian law, and when he had compared the political contradictions their several chapters contained, our friend here very humorously† gave the three treatises written by his father Brutus, to three different readers. In the first book was this passage, *I happened to be at my Privertine estate. Brutus*, said he, *your father here is an evidence that he left you an estate at Privernum.* In the second book, *I and my son Marcus were at my Alban estate. What a wonderful sagacity did this good man discover*, said Crassus, *he knew what a cormorant his son was, and was afraid that if he did not mention the estates he left him, it should be thought he inherited nothing.* In the third book, which is the last he wrote, for I have heard Scævola say that these are all the genuine works of Brutus, we have these words, *I and my son Marcus happened to be sitting together at my Tibertine estate. Where, Brutus*, said he, *are those estates which your father, in the writings he published, says he left you? Ah!‡ had you not been of age he would have written a fourth book,*

* *Narbonese colony*]—In the province of Narbon a Roman colony was settled, the inhabitants being expelled by war; see the oration *pro Fonteio*. When a law was made against that colony, Crassus opposed it, and ran out in invectives against the senate, because they did not join him.

† *Very humorously*]—I do not know if the reader of taste will be very much in love with this piece of humour of Crassus.

‡ *Ah! had you not been of age*]—The Latin has it, *nisi puberem te jam haberet.* The age of *puberty* among the Romans was the fourteenth.

and have told the world that he had washed in his baths along with his son. Must it not then be confessed that Brutus was as much confounded by this wit and raillery, as he was by the pathetic expressions he poured forth, when by chance the funeral of the aged Julia passed along? Immortal gods! What force, what energy was there, how quick, how sudden it was? *Brutus*, cried he, *what commission have you to deliver to your father by this aged matron? what message* do you send to all those persons, whose figures you now perceive are carrying along? what to your ancestors? what to Lucius Brutus, who delivered Rome from regal tyranny? what shall she report that you are doing? what object, what accomplishment, what virtue are you now pursuing? Are you improving your estate? that is not a business for a man of quality. But granting it were, you have none to improve; you have dissipated it by intemperance. Are you busied in the civil law? that too was your father's; but she will tell, that you have sold his house, and have not reserved even a hamlet† where to erect your father's chair. Shall she say that you are applying to military affairs? why, you never saw a camp. To eloquence? that you are void of: and every talent of voice or tongue you possess, you have hired out in the vilest of trades, that of calumny. Dare you behold the light? dare you look upon these statutes? dare you face the forum, the city, or the assembly of your*

* *What message, &c.*]—Our author seems extremely fond of this figure; he has beautifully adapted it in his pleading for Cælius: see the translation of the Orations, vol. ii. p. 134. Our author perhaps borrowed it originally from Demosthenes, and Virgil has used it in some places with great success. See Æneidis lib. ii.

> Cui Pyrrhus: referes ergo hæc, et nuncius ibis,
> Pelidæ genitori: illi mea tristia facta,
> Degeneremque Neoptolemum narrare memento.
>
> Thou then be first, replies the chief, to go
> With these sad tidings to his ghost below;
> Be gone——acquaint him with my crimes in Troy,
> And tell my sire of his degenerate boy. Pitt's Trans.

† *A hamlet*]—The original has it, *rutis cæsisque*, which is a technical term in the civil law.

In rutis cæsis ea sunt quæ terra non tenentur quæque operi structili tectove non continentur. Dig. T. de Verb. Sig. 241.

countrymen? do you not tremble at the sight of that corpse, at the memory of your ancestors, whose virtues you are so far from imitating, that you have not reserved even a spot for erecting their images?

CHAP. LVI.

THESE are pathetic, divine expressions; but as to genteel, good-mannered ones, you may remember a vast number of such in one harangue which was delivered before the people in as great an assembly, and as weighty a pleading as ever was, yet no speech was ever better seasoned with wit and agreeable humour. I mean our friend's late reprimand against his colleague, when censor. Therefore, Antonius, I agree to both your propositions; that genteel wit is often of great service in pleading, and that it is absolutely incommunicable by any art. One thing, it is true, I am astonished at, that you have raised my merit so high in this, and have not given the preference here, as well as in other points, to Crassus. Why, that I would have done, says Antonius, were it not that I have some small spice of envy against this Crassus. For though wit and raillery in themselves are not much to be envied, yet for a man, as he does, to engross the merit of being the most agreeable and finest gentleman of his age, when at the same time he has that of being the most solid, and most respected person alive, seems to me quite intolerable. Crassus himself could not forbear to smile here. But Julius, replies Antonius, though you deny that wit is an art, yet, in the opening you made, you seemed to hint at some rules that ought to be observed with regard to it. For you said that some regard ought to be had to persons, circumstances, junctures, lest a joke should lose the effect you designed it should have, which is the particular care of Crassus. But we may leave this rule, since these gentlemen have no occasion for it. Our business is now to inquire in what manner to apply wit, when there is occasion: for instance, against an antagonist, especially if he gives us any advantage to attack his folly; against an evidence, whom we may represent as

foolish, avaricious, slight, provided the audience is likely to hear us with any degree of satisfaction. Answers have a much better effect than attacks, because the wit of an answer discovers more quickness of parts; and, as it is by way of return, it carries along with it more good breeding. For it is still to be presumed, if one is not attacked, that he would have been quiet; as in the harangue I have mentioned, our friend here scarce said one witty thing, but by way of answer: yet such was the gravity, such was the authority of Domitius, that it appeared more easy to avoid his objections by turns of humour, than to break their force by strength of argument.

CHAP. LVII.

Says Sulpicius, how then shall we suffer Cæsar, (who, though he has yielded the prize of wit to Crassus, yet has laboured much more in that study) not to explain to us this whole system of joking; what it is, and from whence derived: especially since we all agree that the power and utility of wit and polite conversation are so very great? But, answers Cæsar, what if I should agree with Antonius, that an orator can never be witty by rule? Sulpicius making no reply to this; no more, says Crassus, can he be instructed by rule in those points which Antonius so much enlarged upon. They are attained, as he himself said, by observing those properties which have the greatest effect in speaking; and, could this make a man eloquent, who would be otherwise? For every man might with ease, or at least by some method or other, make himself master of such observations. But I am of opinion that the force and utility of those precepts lie in this; not that art can direct us how to invent what we are to say, but that when we have attained to such properties, by nature, study, or practice, we may then be able critically to distinguish the good from the bad, after we have learned how to apply them. Therefore, Cæsar, I must beg it as a favour, that you will please to discuss this system of joking, and give us your opinion upon it, lest any part of eloquence, since you

will have it so, should be let slip in such a company, and so accurate a conversation as this. Nay, Crassus, replies the other, since you insist upon your guests paying their reckoning, I shall never be the man who shall give you any cause, by giving you the slip, or refusing to entertain again. Though I have very often been surprised at the impudence of those fellows who act upon the stage while Roscius is a spectator. Where is the man who can so much as move, without his discerning a fault in him? In like manner, in the hearing of Crassus, I have now begun to speak upon wit; and though, as the saying is, I am but a swine in comparison of him, I am to teach an orator, whom, when Catulus lately heard, he said, that all other speakers seemed to have fed upon hay. Says Crassus, Catulus was but in jesting, especially as the merit of his eloquence is such, that he himself deserves to be fed with ambrosia. But, Cæsar, do you go on, that Antonius may proceed to finish the rest of his discourse. There is very little of that to come, says Antonius; but as I am now fatigued with the toil and journey of disputation, I will rest and compose myself by the talk of Cæsar, as if I were in some happily situated inn.

CHAP. LVIII.

But, says Cæsar, you will have no reason to boast of the goodness of my entertainment; for as soon as you have tasted of the least morsel, I will turn you out of doors, and send you a packing on your journey; and not to detain you too long, I will in a very few words lay before you my sense of all this kind of speaking. As to what regards *laughing*, we are to consider of five things; first, what it is? secondly, whence it is? thirdly, whether it ought to be the orator's business to raise a laugh? fourthly, to what degree? fifthly, what are the kinds of the *ridiculous?* As to the first, what a laugh is? By what means it is raised, wherein it consists, in what manner it bursts out, and is so suddenly discharged, that though we were willing, it is out of our power to stifle it, and in what manner

it all at once takes possession of our sides, of our mouth, our veins, our look, our eyes; let Democritus* account for all these particulars; for they are neither to my present purpose, and though they were, yet I should not at all be ashamed to say, that I did not know them; for even they who pretend to account for them know nothing of the matter. But the place, and, as it were, the province of the *ridiculous*, for that comes next in question, consists of a certain *meanness* and *deformity*. For the only, at least, the chief expressions that raise ridicule are such as characterise and point out† in a genteel manner, somewhat that is of itself very ungenteel. But, to come to the third point, it is evidently an orator's business to raise a laugh, both, because the good humour he puts the audience into procures him favour; and the smartness that is often contained in one word is universally admired; (especially if it comes as a reply, and often when it is thrown out in the attack;) and because it lessens, confounds, hampers, frightens, and confutes the opponent; and as it shews the orator himself to be a man of politeness, learning, and good breeding; but above all, because it softens or unbends sorrow and severity, and very often by a joke or a laugh it discusses very ugly matters, which will not bear to be cleared up by proofs. But to what degree the *ridiculous* is to be touched by an orator, which was the fourth thing we proposed to inquire into, is a matter worthy his most serious attention. For neither is an eminent or flagitious villain, nor a wretch remarkably harrassed with misfortunes, the proper subject of ridicule; because *villains* deserve to be lashed with a more cutting scourge than the *ridiculous;* and it is indecent to insult the *miserable*, unless they are insolent under their misfortunes. But above all things, you ought to be tender of touching

* *Democritus*]—There is a joke in this expression, for it alludes either to Democritus the famous laughing philosopher, or an eminent physician then living.

† *Characterise and point out*]—This is the same expression which he uses in the first oration against Catiline. *Catilina notat et designat oculis ad cædem unumquemque vestrum.* See the Orations translated; vol. ii. p. 4.

upon the private affections of mankind, lest you should rashly attack those who are personally beloved.

CHAP. LIX.

MODERATION, therefore, is chiefly to be observed in matters of wit. And the objects that are most easily played upon, are they who are neither worthy of the greatest detestation, nor the greatest compassion. Hence it happens, that the whole subject of the ridiculous lies in the moral vices of men who are neither beloved nor miserable, nor deserving to be dragged to punishment for their crimes: when these qualities are genteelly handled, they are laughed at. Deformity and personal defects are likewise happy enough subjects for ridicule. But let us have in view what ought to be the principal consideration in other respects; I mean, how far we ought to go. Here we ought not only to take it as a rule to do nothing *insipidly*, but that we do nothing *buffoonishly*. An orator is to avoid both extremes, not to make his jests too abusive, nor too buffoonish; what these mean, we shall more easily understand, when I come to speak of the kinds of the *ridiculous*. For there are two kinds of humour; one arising from the subject, the other from the expression. The first is when any thing is told by way of story, as what you, Crassus, once told against Memmius, *that he had eaten a limb* of Largius*, when

* *That he had eaten a limb*]—This to an English reader is a very insipid joke; the Latin has it *comedisse eum lacertum Largii*. The joke probably arose by some affair of jealousy, on account of this Memmius making a little too free with the other's mistress, which gave occasion for Crassus to say that he had eaten the arm of Largius. It must be owned that Cicero has not at all been obliged to his commentators for illustrating his witty sayings, though it is very true that sometimes they cannot be deciphered. I do not know if this joke will appear with better grace by observing what none of the commentators have done, that when a man very eagerly kissed any part, he was said in Latin to bite, or to eat it. And if we are to judge by some circumstances, they were so very eager, as sometimes to make the blood follow by a hearty kiss. See what Horace says, ode 13, lib. 1:—

Sive puer furens
Impressit memorem dente labris notam.

he quarrelled with him at Tarracina about a wench; the whole story, though witty, was cooked up by yourself; you added one circumstance, that all over Tarracina the following letters were written upon the walls, M. M. L. L. L. that when he asked what these meant, an old townsman answered you, *mouthing Memmius lops Largius's limb.* You may perceive how genteel, how elegant, how oratorial this manner is, whether the foundation of your story is true, which must yet be bespangled with a little invention, or if the whole is fiction. But the property of this kind is, that the actions, the manners, the speech, and all the looks of the person you are talking of are expressed so lively as that the company thinks they are seeing him act every thing in person. Another kind of the ridiculous taken from the subject consists in what uses to be taken from imitating a certain awkward affected manner in the person you play upon. As Crassus, when he called out, BY YOUR QUALITY, BY YOUR BLOOD: nothing in these words could have raised a laugh in the assembly, but the humorous imitation, or the look and tone. But when he came to BY YOUR STATUES, and enlivened it with a little action, by stretching out his arm, we laughed excessively. Of this kind is that where Roscius, in the character of an old man, says, *For you, my Antipho,* I plant these;*

Non, si me satis audias,
Speres perpetuum, dulcia barbare
Lædentem oscula, quæ VENUS
Quinta parte sui nectaris imbuit.

I have endeavoured to preserve somewhat of the humour of the original in my translation; I should not have been a bit ashamed had I been obliged to have left it untranslated. I have only this to say for the translation of this, and the witticisms which follow, that if they do not read so well to us in English, as they did in Latin in the days of Cicero, yet at least they read as well as any literal translation could do. However, that the reader may have the pleasure of finding out the wit of this passage himself, I must inform him that the original is *lacerat lacertum* LARGII *mordax* MEMMIUS.

* *For you, my Antipho*]—These seem to have been the words of an old man planting trees, and telling his son that himself could not live so long as to see these trees come to maturity, but that he, as being a vigorous young man, would reap the fruit of them. What Crassus adds, *senium est, cum audio*, means that

here I feel old age itself. But in the mean time all this kind of the ridiculous must be handled with great caution. For when one overdoes it he falls into a farcical character; for instance, when he runs into obscenity. But an orator must steal this manner upon an audience, so as to give more exercise for their reflection than their eyes. He likewise keeps up to the character of good breeding and modesty, by shunning all indecency of action or expression. These two kinds, therefore, are of that RIDICULE which arises from the *subject.* And they are peculiar to the standing vein of humour,* wherein the manners of

Roscius so perfectly imitated a coughing old man, with a broken trembling voice, that one would have thought he heard the old man himself, and not a player acting the part of the old man.—*Pearce.*

As this learned gentleman lays down this only as a conjecture, I hope I may be indulged in another; I am apt therefore to think that the words *senium est, cum audio,* are a part of the line here quoted: and that when Roscius pronounced this line it was not in the character of an old man but of a young fellow ridiculing his father's words. If we take it in this sense it gives a much greater spirit to the line. For we are to observe, that Cicero is here giving an example where a little action enlivens the imitation. Therefore if we suppose that Roscius, in the character of that young fellow, imitated the manner of an old man planting, and then returning all at once to the character of a young man, gives a much stronger example of the species that Cicero is here describing, than if we suppose, with Dr. Pearce, that Roscius then played only the part of an old man in the play.

We have an example very parallel to this in the Frogs of Aristophanes, the first scene of the play, where Bacchus and Xanthias are brought upon the stage. The first complains heavily of a severe load he was obliged to bear, while the other rallies him, and tells him that he never saw the actors upon the stage carrying the vessels which their parts required them to bring upon the theatre, without feeling himself more than a year older than he was:—

ὡς ἐγὼ θεώμενος,
Ὅταν τι τῶνδε τῶν σοφισμάτων ἴδω,
Πλεῖν ἢ 'νιαυτῷ πρεσβύτερος ἀπέρχομαι.

* *Standing vein of humour*]—As Cicero in this, and other passages, uses several terms, for every one of which we have not a proper word in English, and as I have translated them as I thought the genius of our language required, I shall give the reader the criticism of a great ancient upon each of the expressions made use of here. It is that of Quintilian, in lib. vi. cap. 3, de Inst. Orat.:—

mankind are described, so as that their qualities may be represented to the life, in any narration; or by

Pluribus autem nominibus in eadem re vulgo utimur: quæ tamen si diducas, suam propriam quandam vim ostendent.

Nam urbanitas *dicitur: qua quidem significari video sermonem præ se ferentem in verbis, et sono, et usu proprium quemdam gustum urbis, et sumptam ex conversatione doctorum tacitam eruditionem: denique cui contraria sit rusticitas.*—Venustum *esse, quod cum gratia quadam et venere dicatur, apparet.*—Salsum *in consuetudine pro ridiculo tantum accipimus; natura non utique hoc est, quanquam et ridicula oporteat esse salsa. Nam et Cicero, omne quod salsum sit, ait esse Atticorum: non quia sunt maxime ad risum compositi: et Catullus cum dicit,*

Nulla in tam magno est corpore mica salis:

non hoc dicit, nihil in corpore ejus esse ridiculum. Salsum igitur erit, quod non erit insulsum, velut quoddam simplex orationis condimentum; quod sentitur latente judicio velut palato, excitatque et a tædio defendit orationem. Sane ut ille in cibis paulo liberalius aspersus, si tamen non sit immodicus, affert aliquid propriæ voluptatis: ita hi quoque in dicendo habent quiddam quod nobis faciat audiendi sitim. Facetum *quoque non tantum circa ridicula opinor consistere. Neque enim diceret Horatius* facetum *carminis genus natura concessum esse Virgilio. Decoris hanc magis, et exultæ cujusdam elegantiæ appellationem puto. Ideoque in epistolis Cicero hæc Bruti refert, verba.* Næ illi sunt pedes faceti, ac deliciis ingredienti molles. *Quod convenit cum illo Horatiano,*

Molle atque facetum Virgilio.

Jocum *vero accipimus, quod est contrarium serio. Nam et fingere, et terrere, et promittere, interim jocus est.* Dicacitas *sine dubio a dicendo, quod est omni generi commune, ducta est: proprie tamen significat sermonem cum risu aliquos incessentem. Ideo Demosthenem urbanum fuisse dicunt, dicacem negant.*

"We commonly make use of several words to express the same "thing, but if you examine you will find each of them to have its "own particular signification. Thus by *urbanitas* is meant a "polite discourse, which in its words, accent, and use discovers a "certain delicate taste joined to a secret tincture of learning "taken from the conversation of men of letters, and so is opposed "to *rusticitas*.

"By *venustum* is meant what is spoken in a graceful, genteel "manner. The *salsum*, in an ordinary discourse, is only applied "to the *ridiculous*: but this is not founded in nature, though it "is necessary that whatever is ridiculous should be *witty*. For "Cicero attributes all *wit* to the *Athenians*, not because they "were peculiarly adapted to laughter. And Catullus, when he "says *there is not one grain of salt in so huge a body*, does not "mean there was nothing *ridiculous* in her body. Therefore the "salt of a discourse is that natural seasoning which prevents its "being insipid; and which upon deeper reflection leaves as it "were a relish upon the palate; enlivens the attention, and pre-

throwing in a short touch of humorous imitation their vices may be exposed to ridicule.

CHAP. LX.

As to the RIDICULE arising from the expression; that affects by a certain smartness of a word or a sentiment: and as we recommended the avoiding a farcical character in the former kind, either as to the relation or imitation; so in this, the orator is, by all means, to avoid whatever borders upon that of a *pert buffoon*. For what difference do we find betwixt a Crassus, a Catulus, and the like, and your acquaintance Granius, or my friend Vargula? I vow for myself I cannot account for it, for they are both of them professed *wits*. No man has more *sheer wit* than Granius; but, in my opinion, the *characteristical* difference lies, in not always thinking ourselves *obliged* to say good things, when we *can* say them. A short man, who was to give evidence, appeared in court; *give him leave*, says Philippus, *to give his evidence: but pray*, says the delegate, who wanted to be gone, *let him be very* SHORT. *Why, you see he* is *very* SHORT, says Philippus. This was humorous;* but L. Aurifex,

" serves the oration from creating a laugh. And as salt, though " pretty liberally sprinkled on meat, if not excessive, affords a " pleasing relish, so in speaking, this salt has somewhat so " pleasing, that it raises a desire of hearing more.

" I think likewise that the *facetum* is not used in the *ridiculous* " only; for Horace would not make the character of Virgil to be " *facetum*, if that were its meaning. I think rather that it sig- " nifies a genteel and elegant manner. And thus Brutus used it, " as Cicero shews in one of his epistles, *Næ illi sunt pedes faceti* " *ac deliciis ingredienti molles*; which agrees with that expres- " sion of Horace—

" Molle atque facetum Virgilio.

" By the word *jocum* is meant what is contrary to seriousness, " for to feign, to affright, and to promise, is sometimes *jocus*.

" The word *dicacitas* comes without doubt from the verb *dico*, " and is common to all these kinds; yet it properly signifies a " discourse that causes laughter, therefore Demosthenes is said " to be *urbanus*, and not *dicax*."

* *This was humorous*]—It is but just that we give the reader the wit of the original, lest we find none in the translation. *Pusillus testis processit. Licet, inquit, rogare, Philippus? Tum*

who was more of a dwarf than the witness himself, was upon the bench, and the whole laugh went against the judge, which rendered the joke quite scurrilous. Therefore, when your wit hits a person whom you wish it should not, the SMARTNESS of it does not hinder it from being SCURRILOUS. There is Appius, who affects, and, take my word for it, has wit, yet he sometimes falls into *scurrility*. *I will sup* with you*, said he, to my friend Sextius, who has but one eye, *for I see there is a vacancy for one;* this was scurrilous, both by being wantonly provoking, and applicable to every man who wants an eye; and lost a great deal of its effect by appearing premeditated; but how pretty was the *extempore* return of Sextius. *But you must have clean hands*, said he, *before you sit down*. It is therefore a regard to time, a moderation in wit, the being temperate and sparing in saying *good things*, that distinguish an *orator* from a *buffoon;* because when we say a good thing it is not merely for the sake of the joke, but to do some service to our cause; whereas they spend whole days upon this, and have no cause to serve at all. For what did Vargula gain when A. Sempronius while a candidate, and his brother Marcus embraced him? *Boy*, said he, *drive away the flies*.† All he sought was a laugh, which in my mind is the very poorest return for wit. The time therefore of saying *good things* must be directed by *good sense and good manners:* I wish these could be reduced into an art, but nature will have her way.

CHAP. LXI.

LET us now explain in a few words those kinds that are most prevailing in raising a laugh. The first division of them is, that all witty sayings have their

quæsitor properans, modo breviter. Hic ille, non accusabis; perpusillum rogabo.

* *I will sup*]—Orig. *Cænabo apud te, uni enim locum esse video. Lava manus et cœna.*

† *Boy, drive away the flies*]—Orig. *Puer, abige* muscas; in Latin *musca* is figuratively used to signify an impertinent, troublesome fellow.

wit sometimes in the *subject*, sometimes in the *words*; but the greatest pleasure is when the *ridicule* arises from the agreement betwixt the *thing* and the *words*. But take good heed here, that when I touch upon a topic proper for ridicule, it is generally proper for very noble sentiments. All the difference is, that a character of dignity must be strictly preserved, where the subject is laudable; and *ridicule* takes place in *little*, *worthless*, and what we may call *uncouth* subjects. Thus in the same words I can praise a servant if he is *honest*, and play upon him if he is a *rogue*. What Nero long ago said of a pilfering slave was humorous enough: *That he was the only servant* to whom nothing in his house was either sealed up or concealed.* Now the same thing, in so many words, might have been said of a good servant. But they all arise from the same subjects. For how noble, how fine, was what the mother of Carvilius said to him, when he was ashamed to appear in public by reason of a great lameness, occasioned by a wound which he received by fighting for his country: *Why do not you, my Spurius,*† *appear abroad, since every step you make puts you in mind of your virtues?* This was of the noble, and of the serious kind. But what did Glaucia say to Calvinus, who was lame? *Where is that old fellow?* ‡ *What,*

* *That he was the only servant, &c.*]—Orig. *Solum esse, cui domi nihil sit nec obsignatum, nec occlusum.* The Romans in their houses had a way of sealing things up, especially bottles and casks.

† *Why do not you, my Spurius*]—Cicero appears so extremely fond of joking, that he has in many passages robbed the Greeks of their wit to give it to his own country. Plutarch, who wrote long after Cicero, and who never would have ventured to have replaced these sayings to the Greeks, had he not been warranted by unquestionable authorities, has restored several of these to their true owners. In his *Apophthegms of the Spartan Dames*, he tells us a story somewhat of this nature; and another betwixt Alexander and his father, almost to the same purpose with this. However, it must be owned that the manner in which Cicero introduces this saying makes it one of the prettiest in all antiquity.

‡ *Where is that old fellow*]—This in the original is fully as stupid as it is in the translation; it is somewhat below the dignity even of punning itself. Orig. *Ubi est vetus illud? Num*

is he of the claudicating *race? but the other is of the* clodicating. This is ridiculous: yet both these jokes are drawn from an observation of the same imperfection. *Sure this* FELLOW* *has not his* FELLOW, was a severe saying of Scipio. But to one who has a bad smell about him, what Philip said was humorous: *I perceive, Sir,*† *you meet me every* DAY, *and every* WAY: yet both kinds consist in the alteration of a single letter of the same word. Equivocal sayings are esteemed as being of the wittiest kind; but they are not always employed in jests, they are sometimes applied seriously. When Africanus the elder was fitting a crown upon his head at an entertainment, and it had several times broken as he was adjusting it; *No wonder*‡ *that it does not fit,* says P. Licinius Varus, *for the head is great;* this was grand and noble.

CLAUDICAT? *at hic* CLODICAT. Erasmus takes Glaucia to be the surname of Calvinus.

* *Sure this fellow*]—Orig. *Quid hoc* NÆVIO IGNAVIUS?

† *I perceive, Sir, &c.*]—Orig. *Video te a me circumveniri.* Cæsar says that these two jokes of Scipio and Philippus consist *in the alteration of a single letter of the same word.* In Scipio's, the words *Nævius* and *ignavius* sound much alike, and the letters that compose them are almost the same. But in this joke of Philip's, what word is like *circumveniri* I am quite at a loss to say. It therefore can be no joke, unless we read with some vulgar editions, and Lambinus and Stephanus, *Video me a te non* CONVENIRI, *sed* CIRCUMVENIRI. Take notice, reader, that this is spoken against a fellow who had a bad savour about him: and the meaning is, as your breath has such a stench, as often as you *meet* me you do not seem to *meet* me, but to be contriving somewhat to my prejudice, and to over-reach me.—*Pearce.*

I own that I cannot find out the wit of this saying by admitting this learned gentleman's reading. In my opinion it scarcely smells of a pun, far less of wit, or a joke. He asks what word is like *circumveniri* in this joke? Cæsar has accounted for that; you need but change one letter, and you have the whole of the wit; for if instead of *circum* you read *hircum*, the smell of which every body knows was proverbial among the Romans, you have, if not a joke, yet somewhat that looks like a pun. It is surprising that so easy an observation as this should have never been made upon this passage; and that it should have reduced so many learned men to call in a reading which I do not find they pretend is supported by any manuscript.

‡ *No wonder*]—Orig. *Noli mirari si non convenit, caput enim magnum est.*

Another of the same kind is, *he is bald enough** *of all conscience, for he talks very little.* In short, there is no kind of wit in which both severe and serious things may not be said from the same subject; and likewise we are to take notice that every thing that is *ridiculous* is not *genteel* wit. For what can be more ridiculous than Sannio? But his mouth, his face, his mimicry, his voice, in short, his whole body is laughter itself? I might call him *witty*, but then his wit is not of that kind which I would recommend to an orator, but to a player.

CHAP. LXII.

When a laugh therefore is raised in the first kind, which is the greatest source of laughter, and consists in representing the morose, the superstitious, the suspicious, the vaunting, the foolish, that laugh is not owing to our wit, for these qualities are in their own nature ridiculous: and they are characters which we do not use to represent, but to lash. The other kind, which by imitation becomes extremely ridiculous, we ought never to indulge ourselves in; but, if we ever use it, it should be, as it were, *privately* and *cursorily*, otherwise it is far from being genteel. The third, which consists in the disguise of the features, is unworthy our profession. The fourth, which is *obscenity*, is not only unworthy of the *forum*, but the conversation of gentlemen. Having therefore cut off so many circumstances from this province of eloquence, there remains wit, which consists, as I have divided it already, in what arises from the subject or the expression. For the wit that arises from the subject will still be wit, in whatever expression you clothe it; but where the wit evaporates by the alteration of the expression, then it is all contained in the first expression. Equivocal wit is of the most cutting kind, and arises from the expression, and not from the subject; but it is not very often productive of great laughter; being rather commended as prettily spoken, and turning

* *He is bald enough*]—Orig. *Calvus satis est quod dicit parum.*

upon the letter. As when Titius, who was famous for his great keenness in playing at tennis, but suspected of breaking the sacred figures in the night-time, was missed by his companions in the *Campus Martius;* Vespa Terentius made his excuse by saying, *that he had broken an arm.* Like the saying of Africanus in Lucilius, *What, Decius,* said he, *will you push hard?** Like Granius, your friend, Crassus, who said *he had not a farthing.* The man of sheer wit, as we call it, is most eminent in this kind; but there are other kinds that raise more laughter. The equivocal, as I have observed before, is chiefly recommended by itself, for it seems to be somewhat for one to give a signification to a word different from its common acceptation: but it rather produces admiration than laughter, except when it happens to fall into another kind of the *ridiculous.*

CHAP. LXIII.

I WILL run over these kinds; but you know that the most eminent kind of the *ridiculous* is where, expecting to hear one thing, we meet with another: here our disappointment makes us laugh at ourselves: but if somewhat of the *equivocal* is thrown in, the wit is heightened. Thus a man in Nævius seems to be compassionate, for finding a man carrying to be sold upon a judgment for debt, he asked, *for how much† is judgment gone against him?* He was answered, for a *thousand pieces.* If he had only added, *you may proceed,* it would have been that of *ridiculous* that surprises; but as he answered, *I will not say any more, you may proceed,* he threw in an *equivocal* expression, and thus rendered the ridiculous of another, and, in my opinion, of a more witty, kind. It is likewise extremely taking, when in a dispute you lay hold of one of your antagonist's expressions, and, as Catulus did upon Philip, play upon him with his own weapons. But as there are more kinds of the *equivocal,* which

* Orig. *Quid, Decius, nuculam an confixum vis facere inquit?*

† *For how much*]—Lat. *Quanti addicus? Mille nummum—nihil addo; ducas licet.*

require to be more delicately discussed, we must watch, and as it were catch at words. And here, though we avoid all frigid expressions, (for we must by all means avoid any thing that is forced) yet we may have a great many witty things to say. The other kind consists in a small alteration of a word, generally of one letter, called by the Greeks παρανομασια: as Cato, when he said that the *nobility* were the *mobility*.* Or when, as he said to a certain person, DO *let us go walk;*† and the other replied, *what occasion is there for* DO? *What occasion is there for* YOU? said he. Or when he had answered thus, *you are lewd*‡ *both* behind *and by* KIND. Why is such a man called so and so? The explanation of a name has smartness in it, when you turn it into the *ridiculous:* as I did lately, when I said that Nummius the beadle, like Neoptolemus of Troy, had found his name in the *Campus Martius.*

CHAP. LXIV.

BUT all these rest upon the word. A line too is very often thrown in very facetiously, either as it really stands, or with a little variation; or some part of a verse, as Statius said to Scaurus, when he was angry; a joke, Crassus, from which some people say your law upon enfranchisements took its rise. *Silence there! what a rout you make! it ill becomes you to be so confident, who have neither father nor mother. For shame, no more of that pride.* A saying of this kind, Antonius, was likewise of good use to your cause, with regard to one Cælius, who had a very handsome son, who declared that he had been forced to pay a sum of money as he was going off. *Do you think the old fellow*§ *is touched thirty pieces?* said you. Proverbs are ranked under this head; as Scipio, when one

* *Nobility, mobility*]—Lat. *Nobiliorem, mobiliorem.*

† Do *let us, &c.*]—Lat. *Eamus deambulatum.—Quid opus fuit* DE?——*Quid opus fuit* TE?

‡ *You are lewd*]—Lat. *Si tu et adversus es impudicus.*

§ *Do you think the old fellow*]—Lat. *Sentin' senem esse tactum triginta minis?*

whose name was Ass, said in a boasting manner, *that he had served as a soldier all over our provinces. You talk like an ass,* said he. Therefore, those kinds too, because when translated into other words they lose their wit, are reckoned not among the jests where the wit turns upon the subject, but upon the expression. There is a kind likewise which is not at all insipid, as it turns upon words, by seeming to understand a matter by the *literal expression,* and not by the *obvious meaning.* One Tutor, an old player, a very comical fellow, ran quite into this way. But I have done with players; I only want to point out this kind of joking by some remarkable notorious instance. And, Crassus, I cannot do better than mention what you lately said to one who told you *he hoped he would not be troublesome, if he came to you a good while before break of day: by no means: then,* said he, *shall I order you to be awaked? Surely,* said you, *you forgot you told me you was not to be troublesome.* Of the same kind was that which the famous M. Scipio of Maluga, when he declared that Acidinus, one of his own century, was consul. When the crier required him DECLARE *as to L. Manlius.** *As to him,* said Scipio, *I* DECLARE *that I think him a good man, and a worthy citizen.* It was comical enough of L. Porcius Nasica to Cato, the censor, when the latter asked him *are you really* SATISFIED† *that you have a wife? I am not* SATISFIED, replied the other. These are either quite insipid; or, when we meet with an unexpected rebuff, they are witty; for, as I have observed before, we naturally take pleasure in such a surprise, and this makes us laugh, when we are, as it were, baulked in our expectation.

CHAP. LXV.

THAT species which changes from literal to allegorical, or answers according as you place one word, or invert several, is, all of it, of the verbal kind. An

* *Declare as to L. Manlius*]—Lat. *Dic de L. Manlio.*
† *Are you really* SATISFIED]—*Ex tui animi sententia.*

example of that which shifts from the *literal* to the *allegorical* is what M. Servilius formerly said to Rusca, when he passed the qualification act; *tell me, M. Pinarius,* said he, *if I should oppose you, will you rail upon me as you have done upon others? According as thou sowest,* replies the other, *so shalt thou reap.* An example of the transposition of words, was when the Corinthians offered to erect a statue to the elder Scipio, in the same place with those of their other generals; he said, *that he did not like troopers.* As to the inversion of words; when Crassus was pleading for Aculeo before M. Perperna, L. Helvius Lamia, who you know has a very deformed figure, was counsel against Aculeo for Gratidianus; and when he had made several impertinent interruptions, *let us hear,* said Crassus, *the charming boy.* When this raised a laugh; *I cannot,* said Lamia, *mend my figure, but I can my understanding. Now let us hear,* replies Crassus, *the man of eloquence;* and here was a greater laugh than before. Such hits are extremely agreeable, both in serious and merry sentiments. For I have observed long ago, that though the subjects of jest and earnest were different, yet that the manner of treating both was the same. One of the principal ornaments of a discourse is the *antithesis,* where words contrast one another: this kind is very often humorous; as when Servius Galba made his bottle-companions judges, while Lucius Scribonius was tribune of the people; Libo asked him, *When, Galba, will you leave your own dining-room? Whenever,* answered he, *you leave another's bed-chamber.* The saying of Glaucia to Metellus was much of the same kind; *you have a country-house at Tiburtinum, but its court is at the Palatium.*

CHAP. LXVI.

I NOW think I have discussed verbal wit; but, as I said before, that which arises from *subjects* is vastly more copious; of this kind is the narrative of a subject, a matter of great difficulty. For those circumstances that appear most plausible must be expressed, and that too to the life, this is the peculiar excellence of a

narrative; as likewise must all the circumstances that have any thing mean in them; this is proper to the *ridiculous.* The shortest example of this that I can think on, is that which I mentioned before of Crassus to Memmius. To this kind we must refer the narrative of fables. Somewhat of this kind too may be brought from history; as when Sextus Titius called himself a Cassandra; *I can name,* said Antonius, *many an Ajax Oileus* for you.* It likewise arises from a similitude, either by way of *comparison* or *resemblance;* as the Gaul, who was formerly evidence against Piso, and said, *that he had given a vast deal of money to his lieutenant Magius;* and when that Scaurus objected to the poverty of Magius: *You mistake me, Scaurus,* said he, *I did not tell you that Magius had hoarded that money up, but, like a naked man, gathering nuts, he put it into his belly.* As when old Marcus Cicero, the father of the same excellent person who is our friend, said, *that our countrymen were like the Syrian slaves, the more Greek they knew, the greater rogues they were.* The pictures of deformity, or any defect in the person, when represented by any object still more deformed,† are likewise extremely ridiculous: as when I said to Helvius, *now I will shew you what you are like. And what am I like?* replied he, *See there,* said I, pointing to a Gaul painted upon one of Marius's Cimbrian shields, all distorted, with his tongue lolling out, and his chaps fallen. This got the laugh, for nothing ever appeared more like Mancia. Of the same kind was a joke passed upon Testius Pinarius, who, when he spoke, seemed always to be chewing the cud, *that he would make an end of his speech when he had cracked his nut.* Hyperbolical sayings, either when they magnify or diminish, have a wonderful effect in surprising. As when, Crassus, you said, *that Memmius was so lofty in his own eyes, that when he came into the forum he stooped as he passed through the Fabian arch.* Or when Scipio said at Numantia, when he was angry with

* *Ajax Oileus*]—He, according to the Greek story, ravished Cassandra.

† *Any object still more deformed*]—We have got a term for this from the Italians, *viz. caricatura.*

Quintus Metellus, *that the next child his mother bore would surely be an ass.* The meaning is likewise very shrewd, when, from a very small circumstance, often by a word, a dark, concealed matter is cleared up. As when P. Cornelius, a man whom the world looked upon as both covetous and knavish, but a very brave man, and a good general, returned his thanks to C. Fabricius for making him consul, though he was his enemy, especially in a great and important war. *Why should you thank me,* said the other, *for choosing rather to be pillaged than sold?* Like what Africanus said to Asellus, while he was twitting him with his unfortunate censorship: *no wonder,* said he, *that it was unfortunate, for the man who took off your attainder made up the rolls, and sacrificed the bull;* so strongly did he presume that the perjury of Memmius had affected the state, by taking off the ignominy of Asellus.

CHAP. LXVII.

It is likewise very genteel when your meaning and your expressions differ, I do not mean that kind where your meaning is quite the reverse of your words, as in the case of Crassus to Lamia, but when a serious vein of humour runs through a whole speech, by meaning one thing and saying another. As our friend Scævola said to Septumuleius of Anagnia, the same who was paid the reward for the head of C. Gracchus, when he begged he would carry him along with him as his lieutenant into Asia. *Why, you are mad;* said he, *what do you mean? I tell thee, there is such a number of profligate citizens in Rome that, take my word for it, if you remain here you will make an estate in a very few years.* Fannius, in his Annals, informs us that Africanus Emilianus was a wit of this vein, and styles him by the Greek name of Εἴρων. But people who know these things better than I do, say that Socrates, I think, by far excelled all mankind in the wit and good sense of this *irony* and *dissimulation.* It is indeed a very genteel kind, and when seasoned with a serious air, may be applied both in formal harangues and common conversation. And upon my word, all

that I have said upon this subject of humour are not more properly the ingredients of pleadings in the forum, than they are of every ordinary discourse. For I think it is a very sensible thing that Cato, from whom I have borrowed a great many of the examples I have laid down here, said, that *P. Mummius was a man for every occasion.* In short, the case is that there is no juncture of life in which it is unbecoming to use wit and good humour. But to resume what I was upon: very much of this kind is that where an honest word is applied to a dishonest subject. As when Africanus the censor was removing from his tribe, a centurion, who had not been present at Paulus's battle, and who excused himself by saying he had stayed behind to watch the camp, it was asked of Africanus why this man was branded? *I do not love,* said he, *your over vigilant people.* It is likewise a cutting kind, when you lay hold of what the other person has just said, and turn it contrary to the sense in which he meant it. As when Salinator lost Tarentum, but kept the citadel, and made a great many brave sallies from it; some years after Maximus recovered the town, and Salinator bid him remember that it was by his assistance that he had won it; *I may well remember it,* said Maximus, *for I could never have won it if you had not lost it.* These are likewise absurd,* but for that reason often very ridiculous, and fit not only for players but in some measure for us; for instance, *he was fool enough to die just as he came to an estate.*—Again, *what is that woman to you?—your wife—you are like one another, by heavens!*—Again, *while he trudged about he never died.*

CHAP. LXVIII.

This kind is *slight,* and, as I said, *farcical;* but it sometimes takes place with us; so that one who is no fool may say a smart thing as it were in a simple manner: as what Mancia said to you, Antonius;

* *Absurd*]—The species mentioned here is precisely what we in England call *bulls.*

when he had heard that when you was censor you was impeached of *undue practices*, by M. Duronius, *so! I see that you may some time or other act for yourself.* Such sayings occasion great laughter, so indeed does every thing that is said absurdly witty by men of sense, under a colour of not understanding what one does understand. Of this kind was what Pontidius said, when one asked him, *what do you think of a man who is caught in adultery? Why*, answered he, *I think him a heedless fellow.* As when Metellus would not excuse me in a levy he was making, though I pleaded a disorder in my eyes; *what*, said he, *do you see nothing at all? Yes, Sir*, said I, *I can see your country house from the Esquiline gate.** Like what Nasica said, when he came to the house of the poet Ennius, and when he called for him, was told by the maid at the door that he was gone abroad; Nasica was sensible that the other was at home, but that he had given the maid orders to deny him; and a few days after, when Ennius came to his house, and asked for him at the gate, Nasica himself called out to him that he was not at home: *what*, said Ennius, *do not I know your own voice? Art not thou a very impudent fellow?* Said the other, *When your maid told me that you was not at home I believed her; but you will not believe that I am not at home, though I tell you so myself.* It is likewise very taking when a man is rallied in the very strain in which he rallies another. As when Q. Opimius, a consular, who, when a very young man, was not at all obliged to fame, attacked Egilius, a man of wit, but one who appeared more effeminate than he really was: *How do you do, my pretty* EGILIA? *when wilt thou come to me with thy distaff and wool? Fye, fye*, replies the other, *you know I dare not, for my mother forbids me to go into company with ladies of bad character.*

* *Esquiline gate*]—This was a very fine stroke, for Metellus had built a noble country house, and was liable to be called to account for the money he had laid out in building it.

CHAP. LXIX.

THOSE sayings too are witty which convey a concealed suspicion of ridicule. Like what was said by a Sicilian, when his friend was complaining that his wife had hanged herself upon a fig-tree. *Prithee my dear*, said the other, *canst thou get me some slips of that same tree, that I may graft them in my garden?* Of the same kind was what Catulus said to a wretched orator, who thought that he had finished his speech in a very pathetic manner, and after he had sat down asked of Catulus *whether he did not think that he had touched the assembly with* PITY? *Very much*, said the other, *for I will venture to say that the hardest heart here* PITIED *you*. For my part, I am vastly taken with your spiteful, testy kind of humour, when it comes from a good natured man; for otherwise we do not laugh at a wit, but the nature of the person. Therefore I think there is a very humorous stroke of this kind in Nævius. *Why do you cry, father? it is a wonder that I do not sing. Why, I am cast.* The patient, cool kind of the ridiculous is, as it were, opposed to this; as Cato, after he had got a blow by one who was carrying along a plank, was bid by the fellow to take care; *what, have you got any thing else besides the plank there?* said Cato. A witty way of exposing dulness is agreeable too: as the Sicilian, to whom Scipio, when pretor, assigned his landlord, who was a rich man, but a great blockhead, for his counsel. *Pray, my lord*, said he, *give this counsel to my antagonist, and then none at all to me.* We are likewise taken with those instances where a thing receives an explanation in a smart concise way, quite contrary to its meaning. As when Scaurus accused Rutilius of bribery, when the first was made consul, and the other lost his election; and in his papers pointed out the letters A. F. P. R. which Scaurus explained to be *acted* upon the *faith* of P. RUTILIUS;* but the other insisted they signified *anterior* in *fact*, *posterior* in *rela-*

* Lat. *Actum fide* P. RUTILII.—*Ante factum, post relatum.—Æmilius fecit, plectitur Rutilius.*

tion. Caius Cannus, a Roman knight who appeared for Rufus, called out that both of them were mistaken in the meaning of these four letters. *What do they mean, then,* said Scaurus? *Why,* said the other, A. EMILIUS' FAULT PUNISHES RUTILIUS.

CHAP. LXX.

THE joining opposite qualities are likewise witty; *he wants nothing but money and virtue.* A friendly reprimand thrown out by way of mistake is likewise very pretty. As when Albius played upon Granius, who when he saw his own accounts appealed to for proof against Scævola, who was acquitted, seemed exceedingly well pleased, without reflecting that the same sentence had virtually condemned his accounts. Of the same nature with this, is the familiar air with which you give advice. As when Granius advised a wretched pleader, who had grown hoarse by speaking, to drink some cold honey-wine when he went home. *Why,* says the other, *that will* ruin *my voice: better,* replies he, ruin *that than your client.* It is likewise very pretty when one says any thing that just hits the character of another; as when Scaurus got some ill-will to himself by taking possession of the estate of Phrygio Pompeius, a man of great fortune, without any will of the deceased; as he appeared counsel for Bestia, who was impeached by C. Memmius, a funeral happened to pass by. *See there,* says Memmius, *a funeral; ah! Scaurus, could you but be the heir!* But none of these kinds is more witty than that which hits you unexpectedly. We may bring a great number of examples of this. I shall only mention that of the elder Appius. Upon a debate in the senate with regard to the public lands, and the Thorian law, it was like to bear hard upon Lucilius, that some of the members said his cattle grazed upon the public lands; *you mistake,* said Appius, *they were not the cattle of Lucilius,* seeming to take Lucilius's part, *they are masters of themselves, for they feed where they have a mind.* I am likewise pleased with the saying of that Scipio, who struck down Tib. Gracchus; when M.

Flaccus appointed P. Mucius for one of his judges, after a great many reproaches, *I except against him*, said he, *for he is partial:* upon this being called to order; *Ah! fathers conscript*, said he, *I do not except against him as he is partial to me, but to you all.* Nothing could be more witty than what was said by our friend Crassus here, when a hear-say of one Silus, who was an evidence against Piso, had like to have hurt him; *perhaps*, said he, *Silus, the person whom you heard say so was in a passion;* Silus seemed to agree: *perhaps likewise you did not perfectly well understand him;* he signified his assent likewise to this with a low bow: *perhaps, too*, continues Crassus, *you did not hear a single word of what you pretend to have heard.* This was so unexpected, that the evidence was quite confounded with a general laugh. Nævius is full of this kind of jokes, this saying is in every body's mouth; *as much as you are a philosopher, if you are cold you will tremble.* With many such sayings.

CHAP. LXXI.

You likewise very often make a humorous compliment to your adversary of those qualities which he will not allow to you; as when a fellow of an infamous race said to C. Lælius, *that his actions were unworthy of his blood: by heavens*, replied the other, *your actions are very worthy of yours.* Witty things are often thrown out sententiously; as M. Cincius, on the day when he passed the law upon regulating rewards and fees, when Caius Cento appeared and asked him in an opprobrious manner, *what law he was passing? Why*, replies the other, *it is a law that every man who uses his neighbour's goods must buy them.* Very often impossibilities are wished for with a great deal of wit, as M. Lepidus, while his fellows were in their exercises in the field, after he had stretched himself upon the grass; *I wish*, said he, *this was working.* It has likewise a very good effect, when you give a disagreeable answer with a calm air to a fellow who is questioning you; and, as it were, teazing you. As Lepidus the censor, when he deprived M. Antistius of Pyrgi of his

horse, and his friends were making a terrible bawling, and questioning how he could answer to his father for having his horse taken from him, since he was a most excellent, industrious, modest, frugal member of the colony. *Tell him*, said he, *that I do not believe a word of this.* Some other kinds are collected by the Greeks, such as curses, admirations, threats. But I am afraid the kinds I have already mentioned are rather but too many; for those which consist in the meaning and the energy of expression, are generally fixed and definite: but these, as I have observed before, beget rather admiration than laughter. But as to those which turn upon the subject and the sentiment, their heads are but few, though the particulars are infinite. For *the ridiculous* touches by deceiving our expectations; in rallying the qualities of another; or playing humorously upon our own; by comparisons drawn from meaner objects; by dissembling; by throwing out designed absurdities, and reprimanding folly. Therefore the man who desires to be a *wit* must receive from nature a certain cast peculiarly adapted to the kinds I have mentioned; his manners, and even his very look, must be accommodated to, and expressive of, every kind of *the ridiculous;* and the more grave and serious one's looks are, the wit has the greater effect; as appears, Crassus, from your manner. But, Antonius, as you said that you would indulge yourself by reposing in this inn, where wit, such as your own, furnishes all the entertainment, as if you were got into Pomtinum, a disagreeable, unhealthy place, I am of opinion that you think you have rested long enough, and that you should now set out to finish your journey. Replies the other, truly, besides the cheerful reception you have given me, I am now both better instructed in the nature, and more emboldened in the exercise, of joking. For I am not afraid of any imputation of levity for my dealing in this way, since you have justified me by the authority of the Fabricii, the Africani, the Maximi, the Catones, and the Lepidi. But you have already heard what you wanted to know of me, at least all which required a greater degree of accuracy in expressing and conceiving; for the other points

are more easy, and they all arise from what has already been laid down.

CHAP. LXXII.

For when I enter upon a cause, I survey it upon all sides, with all the reflection I am master of; and after I have seen and comprehended the proofs that are to support my allegations, and the topics from which I am to conciliate the favour of the judges, together with those from which I am to touch their passions, then I consider with myself the strong and the weak side of the cause; for there is scarcely any subject that can fall under debate or dispute, that has not both: but to what degree? that is the question. My method in speaking uses to be this; whatever I find really makes for me, that I embrace, I embellish, I exaggerate; there I hang, there I dwell, there I stick: but from the weak and defective side I retire, though in such a manner as that I may not seem to shift it; but to have given it another cast, that it may be quite disguised with the ornaments and exaggerations which I throw upon the strong side. And if the cause turns upon proofs I attach myself principally to the strongest, whether complicated or single. But if the success depends upon conciliating, or touching the judges, I then put my chief defence upon that part of it which is most calculated for gaining their affections. The whole of this lies here; if, in a speech, my strength lies more in refuting my antagonist than in advancing proofs of my own, I then play upon him with all my weapons: but, if it is more easy to prove my own allegations than to disprove his, I then endeavour to call the attention off from the defence made by my antagonist, and to fix it upon that which is made by myself: I then boldly lay down two things that appear most easy, because the more difficult ones are above my reach. The first is, that where a proof or a reasoning galls or perplexes me too much, I sometimes do not speak one syllable in answer to it; somebody may laugh at this, for it is what every man can do; but take this along with you, that I am now speak-

ing of my own abilities, and not of another's: and I own, that if a circumstance bears hard upon me, I use to make my retreat so as that I seem to fly, not only without throwing away, but without shifting, my shield. At the same time, when I speak, I employ a varnish and a pomp of language, and make a retreat as if it were a resistance; but, wherever I intrench myself, I do it so as that my retiring appears not with a design to avoid my foe, but to take up a ground. There I observe a matter which I think ought, above all others, to be guarded against and foreseen by an orator, and it used to give me very great uneasiness; which is, to endeavour not so much to do service to my cause, as to do it no disservice; not but that we ought to endeavour at both, but it is much more disgraceful to an orator to be thought to have hurt his cause by his blunders, than not to be able to serve it.

CHAP. LXXIII.

But what are you whispering to one another, Catulus? Does what I say meet with the contempt it deserves? By no means, replied the other; but Cæsar appears inclinable to speak something on this head. With all my heart, replies Antonius, whether it be with a design to confute, or to catechise me. Says Julius, upon my word, Antonius, I was always one of those who gave you this character as an orator; that in your speeches you appear to me the most guarded of all mankind; and it is your peculiar excellency, that you never said any thing to the prejudice of the cause you defended; and I remember that in a great company, when I was talking with Crassus upon this very head, and he had expatiated upon the praise of your eloquence, that I said your characteristical accomplishment was, that you left nothing unsaid that was to be said, and avoided saying any thing that ought not to be said. I remember his answer was, that you possessed other qualifications in the highest degree, but none but a reprobate and a traitor could be capable of speaking what was not to the purpose, and thereby injuring his client: therefore that the avoiding this did

not endue a man with eloquence; but the running into it branded him with audacity. Now, Antonius, if you please, I wish you would point out your reasons for thinking it so great an excellency not to do any prejudice to a cause, as to put it on a footing with the highest accomplishments of an orator.

CHAP. LXXIV.

For my part, Cæsar, replies the other, I will speak my sense of the matter; but do you and all this company carry it along with you, that I do not here speak of any divinity of complete eloquence, but of my own slender practice and custom. As to the answer of Crassus, it was the answer of a noble and elevated mind, who looked upon it as a kind of miracle that any orator should injure a cause, and be prejudicial to his client by pleading. But he supposes others what he is himself, whose strength of genius is such, that he imagines no man, unless purposely, speaks what may make against himself. But what I said was not applicable to any eminent or extraordinary genius, but to men of plain common sense. Thus, among the Greeks, the famous Themistocles, the Athenian, was said to have been possessed of an amazing sagacity and understanding. When a learned man of the first rank, in letters, as is said, came to him, and professed to teach him the art of memory, an art that was then just begun to be broached; the other asked him what that art could do? It will teach you, replies the professor, to remember every thing. Upon which Themistocles told him that he would be much more obliged to him if he could teach him how to forget, rather than to remember, some things. Do not you perceive how great, and how powerful the force of genius of this discerning person must have been, and how much understanding he possessed? Since his answer lets us know, that nothing that ever once had entered into his memory could escape it: since he chose rather to forget what he did not care to remember than to remember whatever he had only once heard or seen. But this answer of Themistocles is no reason why we ought

not to cultivate our memory, neither is my caution and timidity in causes to be overlooked because Crassus is master of the most exquisite good sense. For neither of them imparted any of their abilities to me, they only expressed their own. For in causes there are a great number of circumstances, that through every part of a speech are to be carefully examined, lest you rush or stumble against any thing. Often a witness may not hurt you, or hurt you but very slightly, provided he is not exasperated. The party begs, the counsel presses us, first to abuse him, to rail at him, and then examine him; I am not a bit moved; I will not obey; I will not humour; I will not gratify their desires: yet this does no honour to my character. For people without experience know better how to blame any thing you say that is amiss, than to commend you when you discover good sense by holding your tongue. In case that you should here pique a passionate witness, one that is no fool, or one that has resolution, what mischief may you not do? For his passion furnishes him with inclination, his understanding with means, and his character with interest sufficient to hurt you. If Crassus does not fall into this blunder, that is not to say but that many do, and that often: at least to me nothing sounds more scandalously than upon any word, answer, or question of an orator, to hear this question follow: *He has knocked down——whom? his antagonist?——No, no,* says another, *himself and his client.*

CHAP. LXXV.

Crassus imagines that this never can be the case, except through treachery; but for my part, I often see men, who do not at all mean any harm, do some harm in causes. For *how!* When other people do not, as I said before, with me retreat, or, to speak in plain terms, fly from what bears very hard upon their cause, but saunter in the enemy's camp, and dismiss their own guards; do you imagine the injury they do to their causes is but slight, since by these means they strengthen their enemies' auxiliaries, or canker what they cannot cure? How! when they have no regard

to the character in which they act; if they do not by their extenuations allay all the invidious part of that character, but add to the odium by vaunting and extolling it, what mischiefs does not this conduct at length produce? How! if without guarding your language you dart bitter and affronting invectives against persons who are dear and agreeable to the judges, must it not disgust the bench? How! if while you are exposing your antagonist you shall unwittingly provoke the court by touching upon those very vices or bad qualities that fit one or more of your judges, is that but a slight blunder? How! if while you plead for another, you make your own private resentment a party, or when you are galled strike out into extravagancy, and thus lose sight of your cause, do you do no harm? Here I own I am thought too cool and passive, not that I take any pleasure in hearing myself abused, but because I take none in easily quitting the cause I appear for. As when I reproached yourself, Sulpicius, for attacking the agent, and not the principal. This conduct of mine is attended with one advantage, that if any one abuses me he is looked upon as a very saucy fellow, if not a downright madman. But in opening your evidence, if you should state any thing grossly false, or contrary to what you either have said or are to say, or in its own nature distant from the practice and custom of the forum, does that no prejudice? In short, all my care consists (for I will repeat it) in doing all the service to my cause that I can by speaking; and if I cannot succeed in that, in doing it no harm.

CHAP. LXXVI.

I THEREFORE now return, Catulus, to that point for which you some time ago praised me, I mean the order and arrangement of facts and topics. In this, two methods are to be observed; the first, that which the nature of the cause dictates; the other, depending upon the judgment and good sense of orators. For the very nature and genius of eloquence requires us to

premise somewhat before we come to the main point; next, that we prove it by guarding all our own arguments, and confuting those of our antagonists; then to conclude and wind up the whole. But as to the maxims that are laid down with regard to what we are to say, in order to prove, instruct, and persuade, that is the chief thing left to the good sense of the orator. A great many proofs present; with a great many circumstances that bid fair to do great service to our pleadings; but of these, some are so slight as to be quite despicable; and others, if they are any way serviceable, are sometimes of such a nature that they have some flaw or other, neither is the service they do so considerable as the mischief they bring along with them. But as to the proofs that are to the purpose, and strong, at least if, as it often happens, they are very numerous, I think it proper that the slightest, or those that are to the same purpose with others more weighty, should be separated, and set aside out of the pleading; and indeed for my own part, while I am collecting evidence, I use rather to weigh than to number it.

CHAP. LXXVII.

And because, as I have often observed, we bring every body over to our sentiments by three things, either by *informing*, by *conciliating*, or by *moving*; there is one of these three particulars which we ought still to observe, and that is *to seem as if our sole view was to inform*. As to the other two, they are to a speech what blood is to a body, they ought to be diffused through the whole of all pleadings. For both the beginning, and the other parts of a speech (a point which we shall touch upon very soon) ought to have this power principally; that they dilate themselves so as to be able to touch the minds of the audience. But as to the parts of a discourse, which though they do not at all inform in the *argumentative* way, yet are extremely serviceable in the *persuasive* and the *pathetic*, though they properly come in at the beginning, or in the close of a speech, yet for all that it is highly con-

venient, in order to touch the passions, that you make digressions from the main points which you had proposed to speak to. Therefore, after the case is represented, after our own proofs are made good, or those of our antagonists destroyed, or in either, or in all these parts, room is very often left for a digression, in order to touch the passions; and such a digression may be very properly introduced, if the nature of the cause is of that importance and variety as to admit it: and those causes which give the greatest latitude for such digressions, where we can introduce those topics by which the spirit of an audience is impelled or checked, afford the greatest room, and the fullest opportunities for exaggerating and embellishing. Now that I speak of this, I must find fault with those who place their weakest arguments first; and I think, as to this particular, they too are in fault who, if upon any occasion they employ a great number of advocates, a custom which upon all occasions I am against, always desire him whom they think the weakest to speak first. For the very nature of things requires that you come up, as soon as possible, to the expectation of an audience, because if they are disappointed in the beginning, the orator must labour a great deal harder in the succeeding part of the pleading, and a cause is in a very bad way, when you do not prepossess the hearer with a favourable opinion of it at your very setting out. Therefore, as in the case of orators, the best should always be employed first; so in pleading, your strongest points should be first insisted upon, provided always, in both cases, that wherever the distinguishing excellency of either lies, it be kept up to the peroration. If any circumstances are but indifferent, (for we always reject those that are faulty,) let them be thrown into the lump and the mass of the whole. Having weighed all these particulars, in the last place I proceed to consider what I am to say in the first place, and how I shall set out; for whenever I wanted to consider of that first, nothing occurred to me but what was dry, trifling, trite, and common.

CHAP. LXXVIII.

As to the setting out of a speech, it ought always to have accuracy, acuteness, sentiment, and propriety of expression, but especially calculated to the practice of the bar. For the first judgment, and as it were, prejudice, which is formed in favour of a speech, arises from its setting out, which ought instantly to soothe and entice the hearer. Here I used to be surprised, not at those people who never applied to this business, but at Philip, a man of the first rank for eloquence and learning, who generally when he rises up to speak seems to be at a loss how he should begin; yet, at the same time, he says that after the first bout, when his hand is in, then he uses to fight in earnest; without reflecting that the very people whence he borrowed this allusion toss their first javelins with great coolness, on purpose both to make their address appear with greater grace, and to manage their strength. And there is no doubt but a pleading in its setting out requires often to be strong and spirited; but if, among men who fight for their lives a great many flourishes pass before they actually engage, which appear to be more for parade than in earnest, how much more is this to be expected in speaking, where strength and sweetness* are required to go hand in hand. In short, there is no natural cause which pours itself out all at once, and quite vanishes by a sudden start; in like manner, nature hath disguised with a gentle infancy the progress of the most violent commotions. But your preamble is not to be sought from abroad, nor elsewhere, but must be taken from the very essence of your cause. For this purpose, after you have felt and surveyed the whole of your cause, after you have found out and prepared all its topics, you are to consider which of them you are to employ in the preamble; it is thus easily found out; for it must be

* *Where strength and sweetness*]—The vulgar editions read here *in qua non vis potius, sed delectatio postulatur*. Dr. Pearce, for *sed* read *quum*, upon the authority of some manuscripts. He says it is a much more usual expression; I add, it is much better sense.

taken from the allegations that are most fertile, either in proofs, or best adapted to those characters, into which I have said we ought frequently to deviate. Thus it can never fail of being some way important, when it is borrowed in a manner from the main stress of our pleading; and it will thereby appear that it is not only not common, and not applicable to other causes, but shoots, and as it were flourishes from the cause which is your immediate business.

CHAP. LXXIX.

EVERY preamble of a speech then ought either to give an intimation of the whole matter that is in hand, or to open and pave the way to the merits of the cause, or to serve for ornament and dignity. But, as in the architecture of houses and temples, their porticoes and entries have their proportions; so in pleading, the preamble of a speech ought to be in proportion to the importance of its subject. Therefore where the cause is trite and trifling, it is often most convenient to begin with the matter itself. But, as is generally the case, when the pleading requires an exordium, we are at liberty to borrow our sentiments from somewhat that regards either the party, or his antagonist, or the matter in dispute, or the judges. From the party (I call them so whose interest is at stake) we borrow whatever is expressive of a man of worth and generosity, but unfortunate, and meriting compassion; and likewise whatever can most effectually destroy an unjust accusation. From the person of the adversary, we are to borrow almost the very opposite qualities, from the same common-places. From the matter; whether it is cruel, unnatural, happening contrary to all probability, unjust, piteous, ungrateful, unworthy, unprecedented, irredeemable, and irretrievable. But that our judges may be prepossessed in our favour, that is a thing to be attained rather by pleading than by prayer. That indeed must mingle with the whole of a discourse, but chiefly in the end of it; yet the setting out often is of this kind. For the Greeks teach that we are first to

render the judge attentive and tractable; though that is not more peculiar to the setting out, than to all the other parts of a discourse; but then they are most easily affected at the beginning, when the attention is most awakened, when the expectation is highest, and when the mind is most susceptible of impressions. Whatever too is said in setting out, whether by way of allegation or defence, appears with greater lustre than in the middle of a pleading. But the greatest variety of exordiums, either for enticing or moving a judge, are drawn from those topics which, in the cause itself, are most proper for moving the passions; yet you are not to display all these in the very beginning, but you are to give the judge a gentle impulse, so that the rest of your discourse may fall in with his bias.

CHAP. LXXX.

THE beginning, therefore, ought to be so connected with the subsequent part of a speech, as not to appear like the flourish of a musician, a thing detached; but like a proportionable member, of a piece with the whole body. For some people, after they have despatched this premeditated part, make such a transition to the rest of their discourse, that they seem to demand that the audience should suit themselves to their fancies. An orator then ought to treat a prelude, not as the Samnites do their spears, which they brandish before they encounter, though they do not use them in the fight; for he ought to fight armed with the very sentiments he used in his prelude. But as to the narrative, which they require to be short; if, by shortness is meant a style without any redundancy of expression, then you have an example of it in the style of Lucius Crassus. If brevity consists in making use of just as many words as are absolutely necessary, that may sometimes indeed be expedient; but it is very often vastly prejudicial to a narrative, not only as it renders it obscure, but likewise because it destroys the chief property of a narrative, which consists in its being agreeable, and adapted to persuade: for instance, where an old gentleman says, *for as soon as he ceased to be a boy;*

where is there any thing tiresome in this narrative? In this passage we see the manners of the youth himself, the curiosity of the slave, the death of Chrysis, the look, the shape, and sorrow of the sister; and every other circumstance is told in a spirited, agreeable manner. But if the author had affected a brevity like the following; *she is carried out,** *we march, we come to the burying-place, she is laid on the pile,* he might have almost comprehended the whole in ten short verses; yet the conciseness of the expression, *she is carried out, we proceed,* gives it rather a beauty than brevity. But had there been nothing more than, *she is placed upon the pile,* the whole matter might have been easily understood. But a narrative receives a certain cheerfulness, when it is marked with characters, and diversified by dialogues. The subject of it too likewise receives a greater air of probability, when you explain in what manner it was transacted; besides, it is much more intelligible, if it sometimes makes a pause in the hurry of brevity. A narrative ought to be as striking as any other part of a discourse; this will cost us more trouble, in that it is more difficult to avoid obscurity in a narrative, than in the beginning, in the proof, the exculpation, or the peroration. And the consequences of obscurity are much more dangerous here than elsewhere; either because obscure expressions, in any other place, are attended with no other inconvenience, than that they go for nothing; but obscurity in a narrative throws a cloud upon the whole discourse: or because, in case you should make use of an obscure expression in any of the other parts, you have it in your power to explain it elsewhere; but a narrative can only stand in one place. The way however to render a narrative perspicuous, is to convey it in plain expressions, in a regular method as to time, and without any interruption of the circumstances.

CHAP. LXXXI.

BUT when to introduce, or not to introduce a narra-

* *She is carried out*]—For this see the Andria of Terence, act i. scene 1.

tive is a prudential consideration; for we have no business to give a detail of a matter that is notorious and self-evident; nor after our antagonist has done it, unless it is with a view to refute him: and if at any time we are upon a narrative, we are to take care not to insist with too much vehemence upon any suspicious, criminal circumstances that may make against us, and we are to extenuate whatever may; otherwise we may fall into the blunder of hurting our own cause, which Crassus says never happens but from design, and not ignorance: for the material part of the whole cause depends upon your laying down the subject, either cautiously or incautiously, because the narrative is the fountain of the whole of the remaining speech. You are next to state the case, in doing which you are to have in view the point in dispute. You are then to form the strongest arguments you can to support your side of the question, both by invalidating the reasoning of your antagonist, and establishing your own. For the argumentative part upon proofs in a speech is of a single and peculiar nature, yet at the same time it requires both confirmation and confuting. But as you cannot confute your antagonist without establishing your own allegations, nor can you establish your own without confuting his, these therefore are joined, both in their nature and utility. But all speeches are generally wound up by exaggeration, in order either to exasperate or mollify the judge; and all the abilities of an orator, as in the preamble, so more especially in the conclusion of the speech, are to be applied in giving the strongest emotions to the passions of the judges in our own favour. And, to tell the truth, I can see no reason why we should make distinct heads of those rules that relate to persuasion, and those relating to panegyric. For they are generally in common, yet to debate either for or against any question, to me appears a very important character. For it belongs to the wise alone to deliver an opinion upon the highest matters; and it requires honesty and eloquence to foresee with understanding, to enforce with authority, and to prevail after debate.

CHAP. LXXXII.

But such particulars must appear with less pomp in the senate; for the senate is an assembly of wise men, where many must have liberty to speak in their several turns, and where one must avoid all affectation of wit, and all ostentation of abilities. But a public assembly requires all the energy, the weight, and the colouring of eloquence. Therefore, in debate, the principal character is dignity. For he who thinks that utility is, never considers what the person who debates most wishes for, but sometimes what he chooses to practise. For there is not a man, especially in so noble a state as this, who does not think that dignity is the most desirable character. But interest generally gets the better, when a man is afraid that, if his interest is neglected, he shall be incapable of retaining his dignity. But all difference of sentiments amongst mankind consists in this; which proposition is most advantageous? Or, if that is agreed upon, whether they ought most to regard honesty or interest? As these seem often incompatible with one another, the man who stands by his interest expatiates upon the advantages of peace, riches, power, money, revenues, safety, and a fine army, together with other advantages, which are computed by their utility; at the same time he lays out the inconveniences of the contrary measures. The man who consults dignity will recount the examples of our ancestors, who pursued glory, though attended with danger; he will display the immortal fame that we leave to posterity; he will maintain that the interest of his country arises from her honour, and is inseparable from her dignity. But in both these questions the points in dispute are; *what can be done, or cannot be done*, and also whether the matter be of *necessity*, or not; for all debate is at an end, if it is on all hands understood that a measure is either absolutely impossible, or inevitably necessary; and the man who has proved this, before others are sensible of it, must be allowed to see further than the rest. But to have weight in debates of a political nature, the chief thing is, to be acquainted with the

state of the public, and to know the manners and customs of your country: these, as they often change, occasion as frequent changes in the manner of speaking, and although the power of eloquence is generally the same, yet because the dignity of the people is the highest, the cause of our country the weightiest, the inclinations and commotions of the many the strongest, all this seems to require a more grand and elevated manner of speaking: and the greatest part of the harangue must be applied to the passions, either by way of encouragement, or commemoration, or they are to be worked upon by hopes, by fears, by desire, or by glory; they are often too to be reclaimed from rashness, resentment, hope, injury, hatred, and cruelty.

CHAP. LXXXIII.

It happens too, that as the assembly of the people is the highest scene in which an orator can display his parts, he is there naturally inspired with a more graceful manner of speaking. For the efficacy of speaking to vast numbers is such, that an orator without being heard by numbers, can no more display his eloquence, than a musician can play without instruments. And because the humours of the populace are many and various, all shouts of disapprobation must be avoided, whether raised by any blemish in the speech, in which somewhat may seem too rough, too assuming, too mean, too sordid, or spoken from some badness of heart; or it may proceed from the prejudice or the envy of mankind, which is either well-grounded, or arising from calumny or report; or it may be occasioned by the disagreeableness of the subject, or by some impulse of their own hopes and fears. To these four diseases as many remedies may be applied. First, reprimands, where there is authority: then admonition, by way of a gentle reprimand: a promise that the speaker will make good what he advances, if they will hear him: and then entreaties, which is the lowest kind, but sometimes useful. But there is no place where wit, quickness, and some smart saying, not without dignity, but with humour, have a better effect. For nothing is so easy as to divert the apprehensions,

and sometimes the keenest resentment, of a popular assembly by a single word, when it is spoken opportunely, quickly, smartly, and in good humour.

CHAP. LXXXIV.

I HAVE now, as well as I could, almost got through my explanation of my usual practice in both kinds of causes, and of those particulars, which I both avoided and regarded, with a general method I observed in all causes. The third kind, which is that of panegyric, which I at first excepted, as it were, out of my rules, is not at all difficult; but as there are a great many kinds of speeches and those too of the greatest weight, and more general use, upon which scarce any body has laid down rules, because we do not make any great use of panegyric, I have therefore set aside all this part. For the Greeks themselves wrote panegyrics rather with a view to be studied, to delight, or to celebrate some particular person, than with any regard to the practice of the bar, which is our immediate concern: such are the books in which Themistocles, Aristides, Agesilaus, Epaminondas, Philippus, Alexander, and others are celebrated. As to our panegyrics, which we deliver in the forum, they have a plain, simple brevity in the character we give; for they are written for a funeral assembly, to which the pomp of panegyric can by no means be adapted; though we must sometimes make use of such a strain. We must likewise sometimes compose it. Thus C. Lælius composed an oration for the uncle of Africanus, which was pronounced by P. Tubero; and that we ourselves may be capable to celebrate some person we have an affection to, by loading him with praises, after the manner of the Greeks; let us therefore take notice of that part likewise. It is plain then, that in a man there are some things to be wished for, and some things to be praised. Birth, beauty, estate, strength, interest, riches, and other circumstances bestowed by fortune, either upon a man's situation in life, or his person, can in themselves communicate no true glory, nor can it be presumed that they are owing to virtue

alone; but at the same time, as virtue is chiefly distinguished in the right and moderate use of such circumstances; those blessings of nature and fortune fall within the province of panegyric, the highest strain of which is, that a man possessed power without pride, riches without insolence, and the fulness of fortune without the arrogance of greatness: that his interest and wealth did not seem to support or to feed his pride or ambition, but his benevolence and moderation; but virtue, which is intrinsically valuable, without which nothing can have merit, has for all that a great many subdivisions, in which each is more proper for panegyric than the other. For some virtues appear to be placed in the manners of mankind, and in a certain affability and beneficence; others in the qualities of the genius, in the extent and vigour of the understanding. For clemency, justice, benevolence, honour, and fortitude, amidst general calamities, sound well in panegyrics: because all these virtues are not looked upon to be so advantageous to the possessor as they are to society. As likewise wisdom and magnanimity, by which all sublunary affairs are accounted inconsiderable and trifling; and upon reflection, the force of genius and eloquence itself begets equal admiration, though less pleasure; because they are qualities that reflect more lustre and dignity upon the subject of the panegyric, than upon the hearer; but in panegyrics these should always be joined with the virtues I have mentioned; for mankind bear to hear both the pleasing and the agreeable parts of virtue praised, as well as the astonishing.

CHAP. LXXXV.

And seeing every virtue has its certain duty and province, as likewise a portion of honour that is allotted to itself; when justice is celebrated, you are to explain what the person whom you are celebrating has done most to the honour of his justice, or some such duty; and likewise as to other virtues, the actions are accommodated to the nature, the power, and the name of each virtue. But the most agreeable subject

of panegyric is the praise of such great men as undertake great things without any immediate advantage or profit to themselves: but if, besides this, their actions have been attended with toil, and the danger of their own persons, here is the finest field for panegyric, as such actions admit of most embellishments in expressing, and impart the greatest pleasure in hearing. In short, the distinguishing virtue of an extraordinary person is that which is profitable to others, but painful, hazardous, or at least bootless to himself. It is likewise a great and a noble commendation, when a man can say he bore calamity with calmness, and that he did not sink under misfortune; and that under all his difficulties he maintained a dignity. But the possession of honours, the rewards assigned to courage, actions approved of by the general voice, are far from being incapable of ornament: here the panegyric turns upon ascribing all these actions to the justice of the immortal gods; for things are to be taken up upon the footing either of extraordinary importance, unprecedented in nature, or a distinguishing excellency in their own kinds; because whatever is trifling, common, or trite, are never thought subjects worthy of professed panegyric; for one circumstance that has the strongest effect there, is the comparison you can run betwixt your subject and other eminent men. You will give me leave to speak a little more than I proposed upon this head, not that it can do us any service at the bar, which has been all my aim in this discourse, but to prove that if panegyric falls within the province of an orator, as it undeniably does, that there is an absolute necessity he should be master of all virtues which are the essential ingredients of panegyric. It is now evident that the rules, with regard to disparaging, must be derived from vices opposite to these virtues; at the same time it will plainly follow, that as a worthy man cannot be celebrated with any propriety and elegance, without an acquaintance with the virtues, neither can a villain be branded, or lashed with sufficient keenness and severity, without an acquaintance with the vices. It likewise often falls in our way to

make use of those topics in all kinds of causes. Thus you have my sentiments as to the invention and disposition of the particulars in pleading. Let me add somewhat now upon memory, that I may ease Crassus of some fatigue, and leave him nothing more to discourse upon, but the means of embellishing the particulars I have mentioned.

CHAP. LXXXVI.

Go on, said Crassus, for it is with pleasure I now see you stripped of all the frippery of your disguise, and turn out a professed artist; it is likewise doing me a favour and a kindness, to leave but little for me to go through. As to the portion I shall leave you, replies Antonius, it shall be discretionary to yourself; for if you act upon honour I leave you the whole; but if you shift it, take heed how you are to satisfy the expectations of these gentlemen. But to return to my purpose, said he, I own I have not so great a genius as Themistocles had, as to choose rather to forget than remember. And I heartily thank Simonides the Ceian, who is said to have been the inventor of the art of memory; for they say, that as he was supping at Crannon in Thessaly, at the house of one Scopas, a man of estate and quality, after he had repeated a copy of verses which he had made upon him, where, in the usual practice of poets, there were a great many embellishments in compliment to Castor and Pollux, that this great man was so much of a scoundrel as to say, that he would give him but half what he had bargained to give him for the verses, and that he might apply for the rest, if he pleased, to the sons of Tyndarus, who had an equal share of the praise. A little after, as the story goes, Simonides was called out to two young men, who were at the gate very earnestly desiring to see him; it is said further, he arose, went forth, and saw nobody; that in the mean time the room where Scopas was banquetting fell, and buried him and his family in the ruins; when his relations came to bury them, they were so crushed that they could not distinguish one body from another, till Simonides, by

recollecting the distinct places where each had reposed, is said to have pointed out the particular bodies, so that each might be buried. This incident is said to have given him the hint, that order was the best enlightener of the memory; therefore that they who employ this faculty of the understanding, ought to fix upon places, and imprint those circumstances in their minds, which they wish to retain in their memories: thus the order of places will preserve the order of facts, and the idea of things will mark the things themselves, and by this means places may serve for wax, and ideas for characters.

CHAP. LXXXVII.

But to what purpose should I mention the advantage, the utility, and the force that memory imparts to an orator, to retain all that you have learned, all that has suggested to your mind, in making yourself master of a cause? When every sentiment is imprinted on your understanding, when the whole pomp of language is there depictured, when you can hear either the person who informs you, or him on whose side you speak, in such a manner, as that he does not seem to pour his discourse into your ears, but rather to write it upon your understanding? Men of strong memory therefore are alone capable of knowing what, how far, and in what manner they are to speak, what they have answered to, and what remains: at the same time to mention a vast number of circumstances in other causes they formerly appeared in, and a vast number they have heard from others. Therefore I confess indeed, that nature is the mistress of this gift, as she is of every thing I have been speaking of; but this whole art of speaking, or call it, if you will, an image, or resemblance of an art, has the efficacy, not to beget or bring forth the whole of what is in some degree not before in our understanding, but to nurse and strengthen those things of which we are already conscious, and have the seeds in our mind. But there is scarcely any man with so happy a memory, as to be able to retain the order of words and sentiments, with-

out arranging and affixing local ideas to circumstances; nor is there any memory so treacherous, as not to be in some measure assisted by such a practice and use. For Simonides, or whoever was the inventor of this, with a great deal of sagacity perceived that impressions communicated and stamped by the senses most easily adhered in the mind: now the most exquisite of all our senses is that of seeing; therefore he concluded, that those things that are either heard or conceived would be most surely retained in the mind, if they were communicated by the medium of the sight, because a certain sympathy, an idea, and figure, distinguish abstract objects which could not come under the cognizance of the sight, in such a manner, as that our visual faculties, as it were, comprehend objects which our intellectual cannot. But locality must still be understood to be affixed to these ideas and bodies, and indeed to all objects of seeing; for space is inseparably connected with the idea of a body. Therefore, not to be verbose and impertinent upon a well-known, self-evident matter, we must in short make use of local circumstances, which require to be various, clear, plain, and pretty nearly connected: but the ideas which serve as the intermediate agents, must be exquisite and well marked, and such as may present and strike the mind with the greatest quickness. Practice communicates this faculty; from practice arises habit, together with distinguishment, which is converted and changed through the cases of synonymous words; or removed from particulars to generals; add to this, that the meaning conveyed by one word serves for a whole sentence, and this word marks out the local circumstances by the various ideas affixed to it: in the same manner as any skilful painter manages his light and shade.

CHAP. LXXXVIII.

But verbal memory, which is less necessary for our business, is distinguished by a greater variety of figures: for there are many words which, like the joints of the human body, connect the members of a discourse, and are entirely abstracted from all sensible ideas; yet we

must affix some determinate qualities to those words, which we must always make use of. The memory of things is the business of a pleader; and that may be informed by well placed ideas affixed to the several objects, that we may retain sentiments by ideas, and order by places. Nor is it all true what is given out by the indolent, that memory must sink under the weight of ideas, and that this variety throws a cloud even upon the natural faculty which we might otherwise exert. For I have seen the greatest men, men endowed with an almost divine memory; at Athens, Charneades; and Metrodorus of Scepsis in Asia, who I hear is still living; and both these said that they used ideas upon those places, which they wanted to retain on their memories, in the same manner as one does characters upon wax. Therefore memory can never be created by this practice, where nature does not co-operate; but if the natural faculties are latent, it is certain that they by this means may be called forth. I have now finished this long, I wish I could say this modest, dissertation: I may at least venture to say the author is not over bashful, when he has ventured to throw out so much upon the subject of eloquence in the hearing, Catulus, of you and L. Crassus: as for these young gentlemen, I am perhaps under the less concern, because they are but young; but I hope you will pardon me, from a consideration of the motives that prompted me to this unusual loquacity.

CHAP. LXXXIX.

As to us, says Catulus, for so much I will say both for my brother and myself, we not only forgive you, but owe you both love and gratitude for what you have done, and it is impossible to acknowledge your politeness and good-nature, without admiring the extent of your knowledge. One thing I think I have compassed by this conversation, which is, that I am now delivered from a great mistake, and shall no longer wonder, with a great many other people, how it came that in all causes you acquitted yourself so divinely:

for I did not think that you had so much as a smattering in the knowledge of which I perceive you are a complete master, which you have gathered from all hands; and as practice has been your instructor, I perceive at the same time that you have partly reformed, and partly confirmed that of others. This does not at all detract from the high opinion I have of your eloquence, and far less of your virtue and application: at the same time I am glad that my own judgment has been confirmed, since I have always laid it down as a maxim, that no man can attain the character of good sense and eloquence, without great study, application, and learning. But what did you mean by saying that you hoped we would pardon you, if we reflected upon the motives that drew you into this discourse? What could these motives be, but your willingness to oblige us, and to satisfy the curiosity of these young gentlemen, who heard you with the greatest attention? Says the other, I wanted to deprive Crassus of all excuse; for I knew that he was a little either too shamefaced, or too unwilling, for I will not call it pride in so amiable a gentleman, to engage in this kind of discourse; for what could he say? That he is a man of consular and censorial authority? So are we. Was he to tell us that he has years on his side? He is four years younger than we. Could he pretend that he was ignorant of matters, which I snatched, I acknowledge, but late and cursorily, and at my leisure hours? Whereas he, from his childhood, has given the greatest application to them, under the greatest masters. Not to mention his genius, in which he is unrivalled. For no man can hear me speak, let him have never so mean an opinion of himself, without hoping he can either speak better, or as well; but when Crassus is speaking, no man has the arrogance so much as to imagine he ever can come up to him. Therefore, Crassus, that gentleman of their quality may not come here to no purpose, let us at least hear you.

CHAP. XC.

SAYS the other; admitting what you have said to be

the case, as it is far from being so, what have you this day left for me, or for any man alive, upon this subject? For, my dearest friends, I will speak from the sincerity of my heart. Often—what do I talk of *often?* for how could I *often* hear them, I could but *sometimes*, as I came but a boy into the forum, whence I was never absent longer than when I was a questor? But be that as it will, I told you yesterday I heard, when I was at Athens, the most learned men; and when I was in Asia, the celebrated Metrodorus of Scepsis, lecturing upon these very subjects; but not one of them, to my thinking, had so much command, so much delicacy in this manner of speaking, as Antonius has this day discovered: were it otherwise, and did I think he had omitted any thing, I should not be guilty of so much unpoliteness, nay brutality, as to be backward in a point in which I am sensible you wish to be informed. Says Sulpicius; but, Crassus, have you forgotten that Antonius divided the subject in such a manner with you, that he took upon himself to explain the mechanical part of an orator's business, but left all the distinguishing and embellishing part to you. In the first place, replies Crassus, who gave Antonius leave, both to make this division, and then to have his choice of the parts? In the next place, if I understood him rightly, while I was hearing him with a great deal of pleasure, it appeared to me that he spoke jointly upon both subjects. But, says Cotta, he did not touch upon the ornaments of a speech, or that excellency from which eloquence has derived its very name. So, replies Crassus, Antonius has taken the substance to himself, and left the sound to me. If he has left the most difficult part to you, says Cæsar, we have the better reason for desiring to hear you; if the easiest, you have the less reason to deny us. Did not you, says Crassus, promise, that if we would pass this day at your house you would humour us? will a gentleman make so slight of his word of honour? This made Cotta laugh. Indeed, Crassus, said he, we would let you have your own way, but take care that Catulus does not make this a matter of conscience: this comes under the cognizance of a censor, and let me advise

you to take heed how you do any thing unbecoming a person of censorial authority. Do as you will, replies Crassus, but I am of opinion that it is now time to rise and repose: in the afternoon, if it be agreeable to you, I will talk over some things; unless perhaps you choose to defer it till to-morrow. The company immediately told him, that it was in his option, either to do it immediately, or in the afternoon; but they intimated, that the sooner he did it, it would be the more agreeable to them.

THE END OF THE SECOND BOOK.

M. TULLIUS CICERO

ON THE

CHARACTER OF AN ORATOR.

THE THIRD CONFERENCE.

CHAP. I.

WHILE I was proposing, brother Quintus, in this third book to relate that discourse which Crassus made, when Antonius had finished his dissertation, the remembrance of a very bitter affliction awakened the anguish and disquiet of my mind; for the divine, the accomplished, the virtuous Crassus, died suddenly the tenth day after the conversation, mentioned in this and the former book, passed. For after he had returned to Rome, the last day of the public plays, he was strongly affected with a speech in the assembly of the people, in which he was told that Philip had said *that some other counsel besides that of the senate was now to be taken, for that with such a senate he could not direct the affairs of the government.* In the morning of the Ides of September, Crassus, in a full house of the senate, assembled at the summons of Drusus, poured forth a great many complaints against Philip, and laid before the members the matter for which the other had inveighed against their order before the assembly of the people. A circumstance here happened to Crassus which I have often known happen amongst men of consummate abilities; for though it was generally allowed that when he spoke with more than ordinary accuracy he never spoke better, yet it was

on all hands agreed on that day, that though Crassus had before excelled the rest of the world, on that occasion he out-did himself. He bewailed the calamity, and the destitute condition of the senate; an order of which the consul ought to be the indulgent parent, and the faithful guardian; but that now their inheritance of dignity was plundered by a consul, with all the rapaciousness of a lawless ruffian: and it was not at all to be admired, if after, by his own conduct, he had turned his country adrift, he should now make a separation betwixt that country and the authority of the senate. When he had thus applied, as it were, the fire-brands of eloquence to Philip, a resolute, well-spoken man, and one who had a spirit remarkably brave in resistance, the other could not bear it, but took flames, and determined to force Crassus into compliance, by forfeiting his pledges.* It was upon this head that Crassus was said to have spoken so divinely, by maintaining *that since the other would not look upon him as a senator, neither ought he to be regarded as a consul.* DO YOU, continues he, WHO HAVE LOOKED UPON THE AUTHORITY OF THIS ORDER AS NO OTHER THAN AS A VENAL PLEDGE, WHICH YOU HAVE PUT UP TO SALE IN THE SIGHT OF THE PEOPLE OF ROME, IMAGINE THAT I AM TO BE TERRIFIED BY MY PLEDGES? NO; WOULD YOU RESTRAIN CRASSUS, IT MUST NOT BE BY FORFEITING THESE, YOU MUST FIRST CUT OUT MY TONGUE; AND EVEN WHEN THAT IS GONE, MY SOUL SHALL WITH THE SPIRIT OF LIBERTY QUELL THE LUST OF THY AMBITION.

CHAP. II.

IT appears that this was followed by a great number of expressions, in which were exerted the utmost efforts of mind, genius, and strength; it was then the famous sentiment fell from him, and was followed by the applauses of the whole body, in the most magnificent and weighty terms, THAT THE ROMAN PEOPLE

* *Forfeiting his pledges.*]—For an explanation of this see the note upon p. 184, l. 25, vol. ii. of the translation of the Orations.

MIGHT HAVE JUSTICE DONE THEM, NEITHER THE COUNSELS, OR THE DUTY OF THE SENATE HAD BEEN WANTING TO THE REPUBLIC; and it appears by the public registers that he himself was present when the act was engrossed. The speech and the voice of this divine person were like those of the swan; and so bewitching was the harmony which hung upon our ears, that after his death we frequently repaired to the senate-house to view that spot where he had last stood. For I was informed that the stress of speaking occasioned a stitch in his side, followed by excessive sweating; this brought on a shivering, which obliged him to return home in a fever, where he died the seventh day of his illness. How deceitful are the hopes of man! how frail our fortune! and how trifling our pursuits! often are they interrupted, often are they ruined in the middle of their career, and wrecked in the voyage before we can come in sight of the harbour! For while the life of Crassus was confined to the toils of *ambition*, so long was he eminent, more for the duties of private friendship, and the excellency of his personal accomplishments, than the distinctions of public applause, the privileges of grandeur, or his figure in the government. But the very first year after he had opened his way, by going through the public posts with universal applause, to the highest distinction his country could bestow, death cut short all his purposes, and all the schemes of his life. This was a stroke mournful to his friends, afflicting to his country, and heavy to all worthy patriots: but the calamities which soon after happened to the state were such that to me it appears the gods cannot be so properly said to have deprived L. Crassus of life, as to have rewarded him with death. For he did not live to see all Italy wrapped in the flames of war, the senate burning with animosities, the unnatural guilt of the greatest men of the state, the affliction of his daughter, the exile of his son-in-law, the mournful flight of C. Marius, nor that universal slaughter after his return; nor, in short, the general desolation of a city, in which, during its greatest glory, he made by far the greatest figure.

CHAP. III.

But as my reflections have led me in to touch upon the power and the inconstancy of fortune, I will no longer indulge the digression, but confine myself to the persons who are the original subjects of the conversation we are now entered upon. Who then will not be justified in calling the death of Lucius Crassus a blessing to himself, though it was much bewailed by the public, when he shall reflect upon the fates of those who conversed with him, almost in his last moments? For we ourselves remember that Quintus Catulus, a man of the most consummate excellence, when he implored not the safety of his fortunes but a retreat in exile, was reduced to put an end to his life. Then it was that the head of Marcus Antonius, who had saved the head of many a citizen, was fixed upon the rostrum, from which, when consul, he had with the greatest firmness defended his country; and which, when censor, he had adorned with imperial spoils. Not far from that lay the head of Caius Julius, who was betrayed by his Tuscan landlord, together with that of his brother L. Julius: therefore Crassus, who did not live to behold those calamities, may be said to have lived and died with the constitution of his country. For *he* did not see his generous kinsman, P. Crassus, slain by his own hand; nor the statue of Vesta besprinkled with the blood of his colleague the high priest; nor could a patriot like him have refused to drop a tear at the tragical death of C. Carbo, who was his greatest enemy, and died the same day: *he* did not live to see the deplorable, the terrible ends of those two young gentlemen who had devoted themselves to him. Caius Cotta, whom he had left in the fairest hopes of success, a few days after the death of Crassus, was invidiously deposed from the tribuneship, and a few months after driven from the city. But Sulpicius, who had been exposed to the same combustion of hatred, when he came to be tribune, resolved to strip of all their dignity those men with whom, as a private gentleman, he had lived in the strictest friendship: yet the thread of his life, which was then

blooming to all the glory that eloquence can bestow, was cut off by the sword, and the chastisement of his rashness went hand in hand with the perdition of his country. Therefore, Crassus, well may I conclude that heaven watched over you with peculiar providence, by making your life glorious, and your death timely. For the virtues of your soul, the constancy of your principles, must have exposed you to the cruelty of party resentment; nor could fortune have saved you from the bitterness of death, without your living to see the funeral of your country. And not only the power of the factious, but even the success of the virtuous, because stained with the slaughter of Romans, must have heightened your affliction.

CHAP. IV.

THE misfortunes of the patriots I have already mentioned, and the incidents which I myself have experienced, for the wonderful, the unparalleled affection I bear to my country, all serve to convince me of the truth and solidity of your maxim, when you was continually calling me off from all dispute and altercation; and pointed out as examples to deter me, the numerous, the great, and the sudden falls of those greatest and best of men. But as the practice of these maxims is not now in our power, as our greatest toils are alleviated by the compensation of glory, let us proceed to enjoy those comforts which not only are agreeable, when our disquiets are allayed, but may be wholesome, even while they are felt. And to this purpose, let me transmit upon record the remaining, and almost the last, discourse of L. Crassus; and thus communicate to him a glory, which, though not adequate to his merit, yet is due from my gratitude. For none of us, when we read the excellent books of Plato, in which Socrates is generally introduced, though they are written with a divine spirit, ever conceive any higher opinion of Socrates. This is all the favour I beg, not of you, who are apt to attribute to me all excellencies; but of my other readers, that they will conceive a higher idea of L. Crassus, than any that

can be expressed by my pen. For I, who was not present at that conversation, the topics and sentiments only of which were communicated to me by C. Cotta, know that both these orators were masters in this way; and I have endeavoured to give a sketch of it, by keeping up to their several characters. But if any man should be deceived by a vulgar error, that Antonius was more jejune, or Crassus more exuberant, than they have been drawn by me, he must have either never heard them, or is unable to judge. For both of them, as I said before, excelled all their cotemporaries in application, genius, and learning, and so complete were they in their several manners, that no embellishment of speech was wanting in Antonius, nor redundancy perceived in Crassus.

CHAP. V.

THE company therefore breaking up before the heat of the day, went to take a short repose, and Cotta said he took particular notice that Crassus passed all that time in an intense, profound train of thinking. He said further, that as he was very well acquainted, (by having often observed it in the most weighty causes) with the cast of the features and the eyes, which was natural to Crassus before he began to speak; that upon this occasion he took particular care, while others were at rest, to come into the parlour where Crassus lay upon a couch; and, finding him buried in thought, he immediately retired; and that almost two hours were spent in this stillness: as the afternoon drew on, all of them came in to Crassus; when, says Julius, shall we take our seats, Crassus? We are not come to beg a favour, but to enter a claim. Says Crassus, do you take me for a fellow of so much assurance, as any longer to delay a debt of this kind? Then, replies the other, name your place. What do you think of the middle of the wood, for there it is most cool and shady? With all my heart, replies Crassus, there is a seat not at all unsuitable for our conversation. When the rest of the company agreed to this, they went to the wood, where they took their seats, in the highest

expectation of what they should hear. Then Crassus began. Both your authority, says he, and friendship, joined to the compliance of Antonius, has deprived me of all liberty to deny your request, a liberty which I might well justify. But when he made the partition of the shares we are to bear in this disputation, he took to himself the subjects upon which an orator must speak, and left it to me to explain the manner in which they are to be embellished: by this partition he divided things that are in their own nature inseparable; for as every speech is made up of *things* and *words*, *words* can have no place if you take away *things*, nor can *things* be explained without the help of *words*. And to me the ancients appeared to have more comprehensive ideas and views, than our intellectual faculties can compass; for they maintained, that all these things which we term to be general and particular, existed singly, and were connected by the simple power and uniformity of nature. For there is not any one kind, which, when severed from the others, can exist of itself; and if those others are deprived of any one kind, it is impossible that they should preserve their power or duration.

CHAP. VI.

But if this system is too extensive to be comprehended by human sense and reflection, at the same time, the maxim of Plato, with which, Catulus, you are not unacquainted, is founded on truth; that all knowledge of the liberal and polite arts is connected by a simple, mutual relation. For when we are capable to perceive the force of that reasoning, by which we become master of causes and events, we find a wonderful harmony and sympathy run through every species of knowledge. But if this is too sublime for the comprehension of us grovelling mortals, yet it must be at least allowed, that we ought to know and possess ourselves of that business which we have embraced, which we profess and undertake. For, as I said yesterday, and as Antonius intimated in some passages of his discourse this forenoon, eloquence, in

whatever channels, into whatever quarters of disputations it may be diffused, is in its own nature *uniform*. For, whether she treats of the nature of heaven or of earth; of divine, or of human powers; whether she speaks in an inferior, equal, or superior capacity; whether she directs her powers to impel, to instruct, to deter, to excite, to bend, to fire, or to mollify mankind; whether she addresses to the many or the few; whether she speaks among strangers, or to friends, or to herself, yet her speech is still derived from one source, however it may proceed in distinct streams; and however she directs her course, her furniture and embellishments are the same. But because we are quite oppressed by opinions, not only of the vulgar, but even of the smatterers in learning, who find it easier to handle those points, after they are torn, and, as it were, separated from one another, which they are unable to comprehend in a general view; and who sever words from sentiments, which is, as it were, separating the body from the soul, and produces immediate death; I therefore will not undertake to discuss, in what I am going to say, more than I am obliged to do; I will only intimate, in a few words, that the ornaments of expression can no more be attained to without inventing and arranging sentiments, than a sentiment can be intelligible without the lustre of expression. But before I touch upon these qualities, which I think embellish and enlighten a speech, I will in a few words give you my opinion of eloquence in general.

CHAP. VII.

It appears to me, there is no natural sense without being endowed with many properties specially differing in themselves, yet all sharing an equal degree of excellence. For we hear a great many sounds, which, though very agreeable, yet they are so often different from one another, that the last always pleases most; and the pleasures of seeing are almost innumerable; but they affect us so, that the same sense receives the pleasure in a different manner. In like manner, a

different pleasure affects each of our other senses, so that it is hard to judge which sensation is predominant. This observation, drawn from nature, is applicable to arts. Statuary is ONE art, and the masters in that way were Myro, Polycletus, Lysippus; yet each of these were unlike to the other, but so as that you would not wish any one of them to be unlike himself. Painting is *one* art, and proposes *one* end, but Zeuxis, Aglaophon, and Apelles, had each of them different manners, yet you could not say that any one of them fell short in any one point of his art. And if this is an astonishing proof in the mute arts, how much more wonderful must its effects be in speech and language? For though eloquence may make use of the same sentiments and words, yet her modes are vastly different; not that any of them are despicable, but those who are evidently excellent, derive that excellence from different characters. This is chiefly exemplified in poets, who have the nearest relation to orators: how different is Ennius, Pacuvius, Accius? What a difference runs through the writings of Æschylus, Sophocles, and Euripides among the Greeks, yet the merit of each is almost equal to that of the other, though the manner is different? Let us now take a view and a survey of the professors of that art we are now discussing, and observe the difference in the manners and characters of orators. The characteristic of ISOCRATES was *sweetness;* of LYSIAS, *delicacy;* of HYPERIDES, *pointedness;* of ÆSCHINES, *pomp;* of DEMOSTHENES, *energy*. Each was excellent, yet the excellence of each was peculiar to himself. AFRICANUS had *weight;* LÆLIUS, *smoothness;* GALBA, *keenness;* and CARBO somewhat that was *flowing* and *musical*. Each of these was a leading man in his own age, yet each was distinguished by a character peculiar to himself.

CHAP. VIII.

BUT why do I run to old examples, when I have so many alive, and under my eye; was ever any discourse more ravishing than what we heard from Catulus? So pure was it, that he seems almost the only

man who talks with the propriety of the Latin tongue; yet its gravity had that peculiar cast, as to reconcile good breeding and wit to a matchless dignity. In short, the judgment I used to form of him, when I heard him speak, is, that if you either add, change, or impair aught of what he says, he must lose and suffer. What is the character of our friend Cæsar here? Has he not introduced a new method of speaking, and brought in a species of eloquence that is almost peculiar to himself? Who besides him ever treated tragical subjects almost in a comical manner, grave ones with gaiety, serious ones merrily, and matters of law with an almost theatrical gracefulness? And all this in such a manner as that wit is not excluded by the importance of the subject, nor is its weight lessened by his humour. Here are two young gentlemen, nearly equals in age, I mean Sulpicius and Cotta, yet no one thing was ever more unlike another, than one of them is unlike the other. Was ever any thing more excellent in its own kind? The one, in a polite, delicate manner, sets forth his subject in well-chosen, proper expressions; he still keeps to his point; and as he sees with the greatest penetration that which he is to prove to the court, he directs the whole strength of his reasoning and eloquence to support that, without regarding other arguments. But Sulpicius, with an irresistible force of spirit, in a full strong voice, with the greatest vehemence and dignity of action, at the same time with so much weight, and variety of expression, seems of all mankind the best fitted by nature for eloquence.

CHAP. IX.

I NOW return to ourselves, because the general talk of the world has always matched us together in eloquence; no two people were ever more unlike one another, than I am to Antonius in speaking: he is an orator of such a kind as that nothing can excel him in that kind; and I, who think meanly of myself, (for that reason principally) am compared with him. Do not you see what this characteristic of Antonius is?

That it is strong, eager, with a spirited action, guarded and fortified on all hands, keen, cutting, perspicuous, retreating with honour, pursuing with resolution, terrifying, supplicating, his eloquence greatly diversified, our ears never satiated. As to my eloquence, such as it is, for you seem to allow it some degree of merit, it is surely very different from that of Antonius: what it may be becomes not me to say, because a man is generally the greatest stranger to himself, and the least acquainted with his own character; yet still a difference is discernible, both in the coolness of my action, and from my finishing my speeches generally in the same spot of ground in which I set out; and because I am put to some more trouble in the choice of my words and sentiments than he is, as he is afraid, that if his eloquence is in the least obscure, it may not answer the great expectation and profound silence it creates. But if there is such difference betwixt us who are present, and if each has his own characteristic, and the excellent are distinguished from the faulty, rather by the degrees of personal abilities than the kinds, and every thing that is in its own kind excellent is commended, what should one say if he were able to take within his view all the orators now alive, or that ever lived, in any country? would he not pronounce, that every one of these orators had a manner of eloquence peculiar to himself? From what I have said perhaps it may be objected, that if the manners and figures of eloquence are almost innumerable, yet specifically different, and generally excellent, that their characteristical differences cannot be accommodated to the same precepts, and the same regulations. But it is not so; for the instructors and teachers of others ought to have a special attention to the cast of genius with which nature has severally endowed mankind. For we perceive that in the arts, the same schools, as it were, furnish, and the same craftsmen and masters form, scholars in their several arts, each unlike the one to the other, yet all of them excellent in their kind; therefore the teacher must accommodate his manner to their several capacities. The most remarkable instance of this, that I may confine myself to the art of eloquence,

is what was said by the incomparable Isocrates, *that Ephorus required a spur, and Theopompus a rein;* for he checked the one, who was quite wanton by the command he had of expression; and he pushed on the other, who had a hesitancy and bashfulness in his nature. At the same time he did not render them similar the one to the other; but what he added to the one, he filed off from the other, so as to accommodate both to as much excellency as the nature of each would admit.

CHAP. X.

I THOUGHT proper to premise all this, in case all of what I propose should not be adapted to your several studies, and to that character of eloquence which each possesses, that you may be sensible I only express myself upon that species of eloquence which is most suited to my own manner; therefore, the particulars that have been laid out by Antonius, are not only to be observed in the practice, but in a special manner to be expressed in the eloquence, of an orator. And what manner of speaking (for I shall afterwards touch upon action) is preferable to our speaking in a perspicuous, graceful, proper style of language, in a style suited to the business we have in hand. But I imagine you do not expect that I am to give you any account of the first two particulars I have mentioned, I mean that of a pure, perspicuous style, for I can no more instruct a man how to speak, when he knows not how to talk, than I can hope that a man can speak beautifully when he knows not how to speak properly; for it is impossible that we should admire what we do not understand. Therefore let us omit those particulars, the knowledge of which is easy, but the application necessary: for the one is delivered in a scholastic way, and learned by school-boys, the other is used to render what one says more intelligible. This is a point which, though it is absolutely necessary, yet appears of all others to be of the least importance. But the whole gracefulness of speaking, though it is polished by knowledge, is improved by reading the works of orators and poets; for

the ancient authors, though they were incapable of embellishing what they delivered, yet they generally spoke very nobly; and the man who accustoms himself to their style, even though he endeavours it, cannot speak otherwise than in a pure diction. At the same time, we are, by no means, to make use of any expressions that are not adapted by the present age; but only sometimes, as I shall shew afterwards, when they are used by way of embellishment; but whoever has, with attention, perused the writings of the ancients, will still make use of well-known expressions; and, amongst these, well know how to speak the choicest.

CHAP. XI.

But in order to speak purely, we must take care not only to talk in a strain that is unexceptionable in point of grammar, and to keep up to propriety in cases, tenses, genders, and numbers, so that no expression may be confused, incongruous, or preposterous; but we must even regulate our tongue, our breath, and the very tone of our voice. I would not have the letters drawlingly expressed; I would not have them negligently slubbered over; I would not have words drop from one in a dry, spiritless manner; I would not have them spoken with puffing and swelling. I now speak of the voice, not as it is connected with action, but with language; for there are certain faults which every man would wish to avoid: such as a weak, effeminate voice, or one excessively harsh and untunable; but there is a blemish which some affect: for some people love a clownish country tone, because the language sounds antique; like, Catulus, your companion L. Cotta, who seemed to be proud of the slowness of his expression, and the clownishness of his tone, and thought whatever he spoke appeared antique, if it was downright rustic. For my part I am charmed with your gentleness and smoothness. Not to speak of the principal point, which is expression: this, however, is intimated by reason, acquired by instruction, and confirmed by habit in reading and speaking. What I now mention regards only the sweetness of sound, which amongst the Greeks was

peculiar to Athens, and amongst the Latins is peculiar to this city. The learning of the Athenians has been long dead in Athens, yet the seat of study still remains within her walls, though the profession is neglected by her inhabitants, and enjoyed by foreigners unaccountably smitten with the name and authority of that city; yet any ignorant Athenian speaks more agreeably than the most learned of the Asiatics: I do not mean with regard to the expression, but the sound: not because he speaks better but more smoothly. The Latins apply more to learning than our citizens; yet the most illiterate of your acquaintance amongst them, excels with great ease, as to smoothness of delivery, and sweetness of tone, Q. Valerius Soranus, the most learned of all the gentlemen of the robe.

CHAP. XII.

SINCE, therefore, there is a manner of pronunciation peculiar to Romans, and to this city; a manner in which nothing shocks you, nothing can disgust, nothing can displease you; a manner in which there is nothing that is uncouth, nothing that is foreign: let us follow that, and learn to avoid, not a clownish roughness only, but likewise an affectation of sounds. For my part, when I hear my mother-in-law Lælia, (for it is easier for women to keep the purity of antiquity, because, by keeping less company than men, they always stick to what they first learned,) I think that I am conversing with Plautus or Nævius: so simple, so unaffected is her tone, that she appears quite void of all ostentation or affectation; thence I conclude that her father spoke in the same manner; that he again spoke in the same manner with his forefathers: and I infer from this deduction that our ancestors did not talk in a rough manner like the person I have mentioned, nor in a swelling, nor in a rustic, nor in a clownish manner, but quickly, smoothly, and gently. Therefore, Sulpicius, when you imitate our friend Cotta, sometimes by dropping the I, and sounding E roundly, you do not, in my eyes, resemble an ancient orator, but a modern ploughman. When Sulpicius himself could not help laughing at this: I

treat you in this manner, says Crassus, that since you would force me to speak, you may hear some of your own faults. We are obliged to you, replies the other, it is the very thing we wished for, and if you will extend your complaisance, I make no doubt of your being able to amend many of my defects before we part. Ay, but, says Crassus, it is impossible Sulpicius for me to blame you without reflecting on myself, since Antonius has complimented me with being very like you; but, replies Sulpicius, he told us at the same time that we ought to imitate the beauties of our original; therefore I am afraid that I imitate you in nothing but the stamp of your foot, a few expressions, and a little gesture. Therefore, answers Crassus, I do not find fault with the properties you borrowed from me, lest I should by that means fall foul of myself: but I have many more, greater blemishes than those you have mentioned. But as to those which are originally your own, or caught by affecting the manner of another, I will give you my advice wherever I can do it properly.

CHAP. XIII.

Let us therefore pass over the rules of speaking purely, which we learn at school, and which is cherished by more refined knowledge and taste of learning, and confirmed by daily practice in conversation, acquaintance with modern books, and reading ancient orators and poets. Not that I shall be very tedious upon any disquisition into the means of attaining to perspicuity in what we deliver; for that is compassed by speaking in a plain, proper style, expressive of the matters which we want to communicate and explain, without any ambiguity of words or expression, without too long periods, without any strained metaphors or allusions; without any incongruity of sentiment, without any confusion of time, without any blending of persons, without any interruption of order: but why need I run on? The whole matter is so easy, that it is surprising to me that the advocate should speak more unintelligibly

to the judge, than the client does to the advocate. For when our clients come to consult us, they generally lay their business so plainly before us that one could not desire to have a clearer view of the case; but as soon as Fusius, or your Pomponius begins to talk over the same matter, I own it requires all my attention to make me understand them as well. For all they say is a mass, all is a jumble, where there is neither head nor tail, and their expressions are so dark and confused, that their pleading, instead of enlightening the subject, as it ought to do, throws a gloom and a darkness over it all, in such a manner, that at every other turn they confound themselves. But as I hope you have, all of you, especially Antonius and Catulus, heard enough of this rank impertinence, if you please we will pass to something else, which perhaps is still somewhat more disagreeable.

CHAP. XIV.

Says Antonius, you perceive, no doubt, that our attention is wandering, that we hear you with reluctance, since we could be brought to throw up all our business (for I judge of others by myself) to follow you; so well do you know to give splendour to frightful, copiousness to dry, and novelty to common subjects, by your manner of treating them. That, Antonius, says the other, is, because the two parts I just now touched, or rather almost skipped over, I mean that of speaking in a pure diction, and a perspicuous manner, are very easy. The parts that remain are important, intricate, various, and weighty, requiring the full stretch of genius, the most consummate perfection of eloquence. Propriety of diction never makes an orator admired, though his speaking improperly makes him ridiculous. And people are so far from thinking him an orator, they do not think him a man. A man can never expect to be praised for speaking intelligibly to an audience, but he must expect to be despised if he does otherwise. Where is the man, whose eloquence can strike an audience with terror, amazement, and ecstacy? Whom does man-

kind rank, if I may use the expression, a god among mortals? Why; he who perspicuously, diffusely, copiously, and clearly, knows how to treat both things and words, and who even in the periods of his speech retains a certain harmony and versification, in which, in my opinion, *gracefulness* consists. He who knows how to treat things and persons suitably to their different characters, such a man is eminent in that excellence which I call *propriety* and *congruity*. Antonius, who denied he had ever seen a man who came up to this character, said, that such a man alone could deserve the praise of eloquence. Therefore, upon MY credit, treat with a just contempt and disdain, all those who imagine they have attained the whole power of eloquence, from the rules of those whom we now term rhetoricians, and who are unable to understand either their own character or profession. For, as to an orator, all the accidents and occurrences of human life ought to be by him examined, heard, read, discussed, handled, and managed, because human life is the scene of all his action, and the subject of all his eloquence. For eloquence is, as it were, one of the highest virtues. Though all virtues in their own nature are equally excellent, yet some of them are specifically more beautiful and striking: for instance, this power, which by comprehending an universal knowledge, can so explain the affections and sentiments of the mind, as to sway the hearer at pleasure. The greater this power is, the more strongly does it require to be supported by probity, and the greatest good sense. For a bad man possessing eloquence, never can be called an orator; it being like putting arms into the hands of a madman.

CHAP. XV.

I REPEAT it; this ability in conception and expression, this energy of eloquence, was by the ancient Greeks termed *wisdom;* hence arose their Lycurgi, their Pittaci, their Solones; and parallel to them were our Coruncanii, Fabricii, Catones, and Scipiones, who perhaps had not so many acquired endowments, but

were equal in the strength of genius, and similar in their inclinations. The good sense of others directed them to pursue the same studies in ease and retirement, though with different views of life. For instance, Pythagoras, Democritus, Anaxagoras, who called off their attention from the affairs of civil polity to subjects of private contemplation, (a manner of life which is bewitching to more people than is consistent with the welfare of public concerns, on account of its tranquillity and delightful knowledge) than which nothing can be more enchanting to mankind. Therefore, as men of the greatest natural understanding have dedicated themselves to this study, those of the greatest acquired abilities, blessed with excess of ease, and fertility of imagination, invited by the advantages of leisure and retirement, have thought themselves obliged to take care of, to examine, and to investigate a greater number of things than were necessary; for formerly this study was adapted to be the rule both of our lives and speaking; the same teachers taught both. Thus, Phœnix in Homer says, he was ordered to attend Achilles in the war by his father Peleus, that he might teach the young gentleman both how to speak, and how to act. But as people who are accustomed to constant and daily labour, when bad weather hinders them from their work, betake themselves to the ball, to the dice, or to the draughts; or even invent some new diversion for themselves in their leisure hours; thus those persons, when retired from public business, looked upon themselves as secluded from their labours, or indulging themselves in a recess from business, gave themselves entirely up, some of them to the poets, some of them to the mathematics, and others to music; and others, such as the logicians, invented a new study and amusement for themselves, and thus consumed their whole time and their life upon those arts, which are already discovered, in order to form the minds of boys to good breeding and virtue.

CHAP. XVI.

But, as there have been some, and those not a few, who have either made a figure in the republic by the

united, and indeed inseparable excellencies of acting and speaking, such as Themistocles, Pericles, Theramenes; and others, who have appeared less in public affairs, yet have professed to teach the same kind of philosophy; such as Gorgias, Thrasymachus, Isocrates; there have been others, who, though possessing learning and genius, were in their inclinations so averse to civil life, and public business, that they have exploded and despised the practice of speaking. Socrates, who by the concurrent testimony of the learned world, and the judgment of all Greece, undoubtedly excelled the rest of the world in good sense, quickness, gracefulness, delicacy, especially in eloquence, in the variety and copiousness of expression upon every subject that he took in hand, was the principal person of that character. They who treated of, handled, and taught those points which we are now examining, deprived these qualities of their common name; for till that time all the knowledge and practice of virtue was termed philosophy; but Socrates separated in his discourses the knowledge of thinking wisely, and speaking well, though they are in reality inseparable. Plato hath transmitted to immortality the genius and different discourses of Socrates, though Socrates himself did not leave one line in writing. Hence arose a distinction, without any difference, betwixt the tongue and the heart, a distinction which is entirely absurd, useless, and blameable; as if certain professors had taught some people to be wise, and others to be eloquent. For, as they all arose from Socrates, whose discourses were so various, different and universally diffused, that each learned somewhat that was different from the other; hence families, as it were, of philosophers were propagated, widely differing among themselves, and vastly unconnected with, and unlike, one another; yet all of them affected to be called, and thought themselves, the disciples of Socrates.

CHAP. XVII.

For, in the first place, Aristotle and Xenocrates were the immediate scholars of Plato; the one of which was the founder of the Peripatetics, the other of

the Academics. Then from Antisthenes, who admired chiefly the patience and abstemiousness of Socrates, in his discourses, arose first the Cynics, and then the Stoics. Next from Aristippus, who was charmed with the sensual part of Socrates's discourses, the sect of the Cyrenians flowed, whose doctrines he and his successors maintained, without any disguise of sentiment. But as to those who now place their highest pleasure in sensual enjoyments, by affecting to act with their greatest modesty, they neither consult that decency of character, which they are far from despising, nor prove the reasonableness of those pleasures which they wish to enjoy. There were also other sects of philosophers, who generally professed themselves to be the followers of Socrates; such as the Eretrici, the Herillii, the Megarici, the Pyrrhonists; but all these have been long crushed and extinct by the force and the disputations of the others. But, of those sects that remain, although that which has adopted pleasure to be the sole end of living may appear with the greatest face of truth to some, yet it is vastly unsuitable to the person we are now in search of, who ought to preside in public councils, who ought to be the first man in a government, and whose sentiments and eloquence ought to be chiefly followed, in the senate, before the people, and in all public pleadings; yet let us pay the greatest deference to the character of that philosophy, let us not hinder them from hitting the mark they aim at; let her professors repose in their own bowers, or where they please; let them loll amidst ease and delicacy; let them dissuade us from following the rostra, the courts, the senate; perhaps in such a government as we now live under they may be in the right. But at present I do not examine what philosophy is the truest, but what is most suitable to the character of an orator; therefore let us take our leave of them without any indecency; for they are well-meaning men; and since they think themselves so, they are happy. I shall only take the liberty to put them in mind, that one of their greatest, truest maxims, should be reserved, and, as it were, concealed as a mystery; I mean their denying that a wise man ought to have any concern

in public business; for if they could succeed so far as to persuade us, and other true patriots of this, it were impossible they could enjoy their beloved quiet.

CHAP. XVIII.

As to the Stoics, though I am far from condemning them, yet I bid them farewell without any apprehension of their resenting it, because they are absolutely void of all resentment: at the same time we are so far indebted to them, as that they are the only sect who admit that eloquence is virtue and wisdom. But their conceptions of both are widely different from the purposes of the orator whom we are now forming; both because they look upon all who are not *philosophically* wise to be slaves, robbers, enemies, and madmen; and yet they maintain that no man is really wise. What absurdity! that an assembly, a senate, or any body of men should devolve their interests upon a man who believes no person present to be in his senses, to be a citizen, to be free. Add to this, that they possess a kind of eloquence which is perhaps delicate, and certainly is acute; but with regard to the orator, it is dry, uncouth, harsh in the ears of the public, obscure, empty, and jejune; yet is of such a nature as is impossible to be adapted to common usage; for the Stoics have quite different notions both of *good* and *evil* from the rest of their countrymen, and indeed from the rest of the world; they have quite different ideas of the force of honour and ignominy, of rewards and punishments. Whether they are or are not in the right, is not to my present purpose; I will only say thus much, that if we follow them, we shall never be able to make any figure in eloquence. The other sects are the *Peripatetics* and the *Academics;* which last, though they all of them go under one name, yet are divided into two opinions; for Speusippus, the son of Plato's sister; Xenocrates, who had been the hearer of Plato; and Crantor, differed but very inconsiderably from Aristotle, who was Plato's hearer at the same time, though they perhaps differed as to copiousness and command of expression. Arcesilas, who had been the hearer of

Polemo, was the first who plucked this great maxim from the different books of Plato, and discourses of Socrates, that neither our minds nor senses are susceptible of any thing that is certain: his character is, that he spoke with a great deal of wit; that he professed to despise all the judgment of the mind and senses; and that he was the first who laid it down as a rule, (though indeed that was the main point which Socrates laboured) not to discover his own real sentiments, but to dispute against those of others. From him the later academy flowed, in which flourished Carneades, who was blessed with a divine quickness of understanding, and command of expression. Though I have known many of his hearers at Athens, yet I can praise him upon the recommendation of undoubted authorities; which are, my father-in-law, Scævola, who, when he was a young man, heard him at Rome; and my friend, Quintus Metellus, the son of Lucius, a person of the greatest eminence, who said that in his youth he heard Carneades, who by that time was far advanced in years, for many days together at Athens.

CHAP. XIX.

From this common source of philosophy, as rivers from the Appennines, learning began now to run into different channels: philosophy disembogued, as it were, into the Ionian upper sea, which is Grecian, and accommodated with harbours. Eloquence glided on to this lower, Tuscan, barbarous, shelvy, dangerous coast, on which Ulysses himself once lost his way. If, therefore, we extend the character of eloquence, and of an orator, no further than the knowing how to plead not guilty to a charge, or the maintaining that what is charged to be done was done rightly, or ought to be laid upon another, or injuriously, or lawfully, or unlawfully, or imprudently, or necessarily, or that the charge does not come under such or such a denomination; or the denying that it was so, or if it was, that it was right and justifiable; and if you think it sufficient that an orator shall learn the rules, which have been treated by Antonius much more gracefully and

diffused than they are by them; I say if you are contented with these qualifications, nay even with those that you want to hear from me, you reduce an orator from a very large and spacious field into a very narrow compass. But if you intend to be guided by old Pericles, or even by one who, from the number of his writings, is more familiar to us, I mean Demosthenes; and if you are in love with the appearance of exquisite harmony and beauty in a perfect orator, you must be masters of the force of a Carneades, or an Aristotle: for, as I said before, the ancients, to the days of Isocrates, united the comprehension and knowledge of every thing relating to morals, life, virtue, and government, to eloquence. After, as I have shewn, the eloquent were separated by Socrates from the learned, and afterwards by all his followers, the philosophers despised eloquence, and orators philosophy; nor had they the least communication together, unless that each borrowed from the other somewhat which served as a common source for both, if they intended to live in the old relation with one another. But as the ancient priests instituted three assistants, because of the number of sacrifices, though by the regulations of Numa they themselves were to take care of the sacred banquet; thus the followers of Socrates separated the pleaders of causes from themselves, and philosophy in general, because the ancients were of opinion that a wonderful harmony subsisted betwixt eloquence and understanding.

CHAP. XX.

As things stand in this manner, I will, for my own part, pray for some indulgence to myself, and beg that you will understand what I am about to say, not as spoken of myself, but of an orator; for I am one of those who, from my childhood, being instructed with the utmost care by my father, brought with me to the bar those talents which I am now conscious I possess, though they may fall short of what you may imagine them to be. I cannot pretend to say that I have learned what I now understand, to the same perfection

as I own they ought to be. I entered upon the business of a pleader very early in life, and was but one and twenty years of age when I impeached a man of great quality, and of great eloquence; therefore the forum was my school; practice, the laws and constitutions of the Roman people, with the precedents of our ancestors, were my instructors. When I was questor in Asia, I a little indulged my passion for those arts I have already mentioned, and got along with me Metrodorus, the rhetorician, from the academy, the same whom Antonius has already praised, and very nearly my equal in years. In my return from Asia I came to Athens, where I would have staid longer, had it not been that I was piqued at the Athenians, because they did not repeat the celebration of their mysteries, to which I came only five days too late. Therefore, all that energy, all that compass of knowledge which I require in my own profession is, so far from making for me, that it makes against me; (for I am not speaking what I, but what an orator, can do) and renders all those dabblers in the art of rhetoric ridiculous for their writing upon the nature, the preambles, and the narratives of causes; but the power of eloquence is so great as to comprehend the rise, the force, the changes of all objects, virtues, duties, and of all nature, so far as relates to the manners, the inclinations, and morals of mankind. It is hers to point out customs, laws, and rights; to govern states; to discourse with gracefulness and ease upon every subject. In this I am conversant, so far as my capacity, joined to a moderate share of learning and practice, can reach; nor do I imagine that I am much inferior in disputation to those who have, as it were, pitched their tents for life in philosophy alone.

CHAP. XXI.

CAN my friend, C. Velleius, when he wants to prove that pleasure is the chief good, advance one argument which I am not able to defend with more copiousness, or by means of my practice in speaking (in which Velleius is but a novice, but all of *us* conversant) refute

from those common places which Antonius has laid open? Is there a topic upon moral virtues, that Sextus Pompeius, or the two Balbi, or my friend, M. Vigellius, who lived with Panætius, all Stoics, can maintain, so as to oblige me, or any one of you, to yield to them in point of reasoning? For philosophy is not like the other arts; for what can a man, who has not been taught them, do in geometry or music? Why, he must either hold his peace, or be looked upon as a madman. But as to the principles of philosophy, they are implanted in our nature, and whoever is endowed with quick discerning faculties, will perceive what is most probable and exact; and the practice of eloquence will enable him to speak upon them with more gracefulness. Here an indifferent orator, though not quite so learned, yet if he has been used to speak, will, by means of his common practice, baffle all our mere philosophical friends, and keep himself above their contempt and disdain; but should one at any time start up, who, in the Aristotelian way, is capable to speak upon either side of every subject, and who, by means of his precepts, can hold forth on every cause in two strains of pleading quite contradictory to one another; or, like Arcesilas and Carneades, can dispute against every proposition that can be laid down; should such a man join to these properties a skill in rhetoric, and the manner and practice of speaking, such a man would be the true, the complete, and the only orator; for without the nervous eloquence at the bar, an orator has not sufficient weight and force; and without universal learning, he has not sufficient finishing and good sense. Therefore let us suffer old Corax to hatch like a crow his young ones in the nest, from whence they fly all abroad, hateful, impertinent chatterers: let us indulge our speculative gentleman in his retirement, in dressing up this important matter as a fanciful gewgaw, while we are explaining in the short conversation we have had yesterday and to-day, the whole business of an orator, in so far as this important study is comprehended in the books of all philosophers, which have never yet been dipped into by these rhetoricians.

CHAP. XXII.

SAYS Catulus, by heavens! Crassus, it is not surprising that you possess such force, such sweetness, such command of eloquence: this I before attributed to your genius, and in that light you appeared not only as the greatest of orators, but the wisest of men; but now I perceive you have always given the preference to good sense, and that all your copiousness of speaking flows from thence: yet when I call to mind the different stages of your age, your life, and your studies, I cannot comprehend how you have had time to make yourself master of these points; nor did I imagine that you were much addicted to such studies as men and books; at the same time I cannot determine whether it is most surprising that you could find leisure amidst your great employments for those assistances which you have convinced me are of the greatest importance, or if you have not, that you should be able to discourse of them so well. I was willing, replies Crassus, in the first place, to persuade you, that when I am discoursing upon an orator, I do it much in the same way as I would of a player. For I will maintain, that it would be impossible for him to please the public in his action, without learning to fence and dance. At the same time I am far from saying that it is necessary for me to be a player; no; all I require is, that I may have some taste in arts foreign to my own profession. In like manner, while, at your request, I am talking of an orator, I mean a complete one: for when we talk of any art or profession, it is always understood that we talk of them as they stand in their highest perfection. Therefore, if you should think me an orator, a tolerable one, nay a good one, I shall admit that I am, (for it would be affectation in me to deny that I am thought so) yet even admitting this, I am far from being perfect. For there is no profession upon earth that is more important, more difficult, or requires more auxiliary powers from other branches of learning. But as we must now talk of an orator, we must understand him to be finished in every excellence. For the power, the

nature, the quality, and extent of any thing can never be comprehended, but by laying it open in its utmost perfection. As to myself, Catulus, I confess that at this time of life I am neither conversant in such writings, nor with such men. The reason, which you have rightly hit upon, is, because I never had leisure for studying; and all the time I set aside for learning was either when I was a boy, or when there happened a vacation in my business at the bar.

CHAP. XXIII.

But, Catulus, if you demand my sentiments upon that kind of learning, I am of opinion that a man who has genius, who attends the senate, the forum, the courts, and public transactions, has no occasion for employing so much of his time upon it as they do who grow grey in the study of the profession. For in all arts the management of those who apply them to practice is quite different from that of those who are charmed with speculations; and, considering them only as arts, spend their whole lives in their darling amusement. There is the superintendant of the Samnites;—he is very old, yet he is every day making new observations, for he minds nothing else. Whereas Q. Velocius applied to the study of fencing only when he was a boy; and as he had a genius, and was complete master of it, he got the character in Lucilius of being—

> A finish'd master* in the fencing art,
> Yet knew to act a rigid patriot's part.

For he allotted the greatest part of his time to the business of the forum, of his friends, and his private economy. Valerius sung every day of his life; and what had he to do besides, for it was his profession?

* *A finished master*]—Orig.

Quam vir bonus ipse
Samnis in ludo, ac rudibus, CUIVIS *satis asper.*

The commentators have, in their usual way, by endeavouring to clear up, rendered this passage nonsense. I have attempted to reconcile it to meaning by retaining the word *civis* in the quotation, and beginning the next sentence with *nam* instead of *sed*.

But our friend Numerius Furius sings only when it is proper; for he is a man of character, and a Roman knight, and learned, in his youth, as much of music as was proper for his purpose. The same observation will hold in arts of greater importance; we have seen Tubero, a man of the greatest virtue and good sense, when he was studying under a philosopher, spend whole days and nights in reading, while his uncle Africanus is making himself master of the same study, without your knowing what he is about. These points are easily learned, if you go no further in them than you have occasion, if you study them under an able master, and are yourself endowed with natural parts. But if you make it the sole business of your life, the very handling and inquiry into it daily begets somewhat that in your indolent amusement invites you to go further in the pursuit. Thus it happens that a boundless field of speculation presents in the discussion of points. An easy practice will establish learning; a little application too must be added, and the memory and study must remain the same. But we still delight to learn; for instance, I may have a mind to play well at dice or tennis, though perhaps I may not succeed, but others, who are excellent players, such as Titius at tennis, and Brulla at the dice, are unreasonably fond of these diversions. There is therefore no reason why any body should be afraid of the unwieldiness of the arts, because people learn them when they are old; for such either were old men when they first applied to them, or they have been detained in those studies till they became old, or they are great dunces. But in my opinion the truth of the matter is, that unless a man shall learn a thing quickly, he never can learn it all.

CHAP. XXIV.

Now, Crassus, now, says Catulus, I understand what you say, and, by heaven! I agree with you. I perceive that you had time enough, for a man of your very quick apprehension, for making yourself master of all the points you have mentioned. Why,

replies Crassus, should you still apply what I say, personally to me, and not to the business? But now, if you please, let us return to our purpose. I shall not be against that, says Catulus. Then Crassus went on; to what view is all this long, far-fetched discourse directed? Two parts yet remain for me to speak to; that of illustrating a speech, and that of giving the finishing touch to eloquence in general. The first may be called *speaking* with *gracefulness;* the other with *propriety:* these have the power of rendering a discourse delightful, moving, and copious. But the art of a pleader at the bar, which of itself is made up of wrangle, contention, and founded upon vulgar notions, has somewhat in it that is mean and beggarly. And what is taught by those who call themselves masters of rhetoric is very little better. We must have a pomp, we must have a splendour of ornaments, and those the choicest collected, commissioned and brought from all countries: an orator ought to do, as you, Cæsar, must do next year, he must take the pains that I took in my edileship,* when I did not think that this people were to be satisfied with common and familiar objects. As to choosing and arranging words, or closing periods, one easily falls into the method from instruction; or practice itself will direct one into it without instruction. The greater point is to be furnished with plenty of materials; the Greeks were destitute of this; for that reason our young gentlemen grew almost dunces from their instructions; and the Latins, in the name of heaven! commenced masters of rhetoric about two years ago. When I was censor, I suppressed them by an edict, not because, as I hear some people have given out, I was unwilling that the capacities of our young gentlemen should be brightened, but because I was unwilling they should be sunk in ignorance, and, in proportion, confirmed in impudence. For I perceived that among the Greeks, bad as they were, there was, besides rhetoric, somewhat to be learned that was

* *Edileship*]—Among the Romans the Ediles, while in office, adorned the public buildings with statues, pictures, &c.

sensible, polite, and might pass for learning: but as for these upstart professors, I could not find out that they could teach any one thing besides impudence; a quality which, when even joined with good properties, ought to be strictly avoided. As this was the only thing they taught in their schools, I thought it proper, as I was censor, to put a stop to the spreading contagion. I do not however peremptorily insist upon it, that the subjects we have had in hand cannot be elegantly delivered in Latin; for both our language, and the nature of the subjects, admit of our accommodating the old, and the excellent learning of the Greeks, to our usages and manners: but this can be effected only by men of more learning than any of our countrymen have yet attained to on this subject: yet if ever such men should appear, they will be preferable to the Greeks themselves.

CHAP. XXV.

A SPEECH then is embellished by the subject: and by, as it were, a substance, and ground colouring of its own. To give majesty, sweetness, learning, good breeding, to make it strike, to give it the finishing touches of eloquence, to work it up with as much of the pathetic as is needful, is not to be done by regarding particular members; they are excellencies that regard the whole; but to diversify it, as it were, with the flowers of sentiments and expression: these must not run through the whole of a discourse, but such particular places, as that they may serve like jewels and distinctions in dress. Therefore the eligible kind of speaking is that which is most interesting to the hearer, and gives him the greatest delight, but a delight without satiety. I do not imagine that you expect to be cautioned against the dryness or uncouthness of language, or against its being too common, or too antiquated. No; your capacities and ages too put me in mind to talk to you upon somewhat of more importance. It is hard to be accounted for, why that pleasure which most strikes us, and in its first access communicates the most exquisite sensations, should

soonest create in us a loathing and satiety. You see how much more beautiful and gay the colouring is in a new, than in an old picture? Yet though the first catches our eyes, they cannot dwell upon it with the same delight; and at the same time we are enchanted with the very antiquated, old fashion, which we contemplate in an ancient piece. How much softer and more delicate are quavers, and unmeaning words in singing, than a true, manly manner? Yet, not only the judges of music, but the very vulgar cry out against them, if they are too often repeated. The same observation holds as to our other senses; we are less pleased with a strong, high perfume, than one that is but moderate; and one would rather choose not to be perfumed at all than be too strongly so; even in the touch there is a degree of softness and smoothness. As to the taste, which is the most exquisite of all our senses, and most relishes what is sweet, yet how easily is it cloyed by any thing that is too *sweet?* Or who would be confined to eat and drink nothing but what is *sweet?* While in both kinds the pleasures that are least exquisite, are most durable. Thus, generally speaking, *loathing* borders upon the most pleasing sensations; we are not therefore to be at all surprised that this observation holds equal in eloquence. For let us pitch upon any poet, upon any orator, we shall find that an uninterrupted, an unblameable, and an undiversified conciseness, heightening, embellishment, and gaiety of style, in a poem, or in a speech, though they have all the advantages of colouring, afford no lasting pleasure; and the finical ornaments of an orator or a poet disgust us the sooner, because our *senses* are satiated with too much pleasure from our constitution, not from our reason; and in intellectual entertainments, not the ears only, but the mind much more takes disgust at a continued affectation of excellence.

CHAP. XXVI.

THEREFORE, while I am speaking, I choose rather to have it said, though never so oft, *that is well said*, than,

that is fine, that is charming; for a too frequent repetition of that is dangerous: yet, at the same time, I wish to hear it said often, *no man can speak better:* yet still the perfection of eloquence has a deep shade, which throws its figures into the stronger relief. Roscius does not give all the expression which he could to this verse,

The wise man demands honour, and not plunder, as the reward for his virtues.

He remains cool, that he may come to the next.

What do I see! the sword is master of the sacred seats.

He here starts, stares, is astonished and confounded. When he comes to the other verse;

Where shall I fly for refuge?

How gently, how slowly, how coolly does he pronounce it? For it immediately introduces,

Oh, my father! oh, my country! oh, the family of Priamus!

Where the action could not be nearly so much animated, if the actor had been spent and exhausted in pronouncing the line before. The poets were as soon sensible of this as the actors: in short, the musicians were as sensible of it as either of them. For all these have their low strains, then they rise, they swell, they sink again, they diversify, they distinguish. Thus let our orator, who aims at gracefulness and sweetness, possess a sweetness that is manly and solid, and not cloying and smooth; it is then impossible he should miss of being agreeable. For the rules with regard to gracefulness may be displayed by the most wretched orator: but, as I said before, he must lay up a magazine of materials, both with regard to subject and sentiments; this is a part to which Antonius has spoken already. These are to be formed out of the stuff and nature of the speech, illustrated by expression, and diversified by sentiment. But the most finished excellency of eloquence is to know how to make your embellishments strengthen your cause; this is of use, not only when any thing is to be exaggerated or extolled, but in cases where you are to extenuate and sink.

CHAP. XXVII.

THIS is required in all those topics which Antonius observed are to be applied for gaining credit to a speech; either when we are explaining any point, or when we are conciliating favour, or raising resentment: but in the last case amplification is of the greatest efficacy; and indeed is the characteristical excellency of eloquence. That practice too of praising or dispraising, which Antonius explained in the end of his discourse, though he rejected it in the beginning, is of great consequence. For nothing can contribute more to exaggerate or amplify a speech, than to be able to dispose of both these to the best advantage. Those topics follow next which are proper to the bar, and which ought to be inseparable from the nerves of pleading, yet because they used to treat of general heads, they were by the ancients called common. Some of these consist in sharp, exaggerating invectives, or complaints against vices and crimes; such as embezzlements, treason, or parricide, crimes which cannot be defended. These topics are to be used after the facts have been established, otherwise they are dry and trifling. Others of these topics consist in deprecation and pity; others of them in doubtful disputes, where there is a fair field of speaking on both sides on general heads. This practice is now appropriated to the two philosophies I have already taken notice of; with the ancients it belonged to those who were consulted upon the whole method and practice of pleading at the bar. For as to what regards virtue, duty, right, and equity, dignity, utility, honour, disgrace, rewards, punishments, and the like matters, we ought to have strength and art sufficient to speak upon them in every shape. But as we are disinherited of our estate, we are left in a little, wrangling tenement; and though we profess to be the champions of other people's rights, we are incapable to secure, or vindicate our own; and, to complete our shame, we must have recourse for what we stand in need of to these invaders of our property.

CHAP. XXVIII.

THE gentlemen who, from a very inconsiderable quarter of Athens have got the name of *Peripatetic*, or *academic* philosophers, but who were formerly styled *civil philosophers*, a general appellation they obtained on account of their being eminently skilled in the most important subjects, and universal politics, they, I say, maintain that all political discourses turn upon one or other of the following kinds: either when the dispute is bounded by particular times and parties; for instance, *is it your pleasure that an exchange of prisoners be made with the Carthaginians?* Or the question is indefinite and general; thus, *what are your positive sentiments and decision with regard to a prisoner of war?* The first of these kinds they term a *plea*, or a *dispute*, which they confine to three points, a *suit*, a *debate*, and a *panegyric;* but as to the other question, which is indefinite, and, as it were, a point of speculation, that is termed a *consultation:* thus far do they go. In their lectures they indeed make use of this division; but they do not claim it as their right or privilege, or as if they meant to recover the inheritance they have lost, but as if their design was to intrude upon the civil law. For they have as it were, by stealth, come at the other kind, which is circumscribed by times, places, and persons. At present, Philo, who I understand to be the chief man of the academy, professes to understand, and practises in, such causes. As to the other kind, they mention it as being the only proper subject of the first art, and belonging to the orator: but they neither lay down its force, its nature, its parts, nor heads; so that it had been much better for them to have entirely omitted it, than to have attempted it, and then to have forsaken it. For now the world looks upon their silence as the effects of their ignorance, whereas otherwise it might have been deemed as the result of their choice.

CHAP. XXIX.

EVERY subject therefore that is a matter of inquiry, is handled in the same manner, whether it is an indefinite proposition, or adapted to a pleading in the court or the forum; nor is there any one subject but what must turn upon speculation or practice. For a proposition must either turn upon the knowledge of, and acquaintance with, the nature of a subject; as for instance the following, *whether virtue is desirable for its own beauties, or for certain advantages attending it?* or upon a prudential consideration, such as the following, *whether a wise man ought to undertake the affairs of government?* In subjects of speculation there are three modes requisite, *conjecture, definition*, and what we may call *consequence*. For should a man ask, *whether there is such a thing as knowledge amongst mankind?* that is a conjectural proposition. If we were to inquire, *what is wisdom?* we must answer by a definition. Were we to inquire, *whether it is consistent with the character of a good man to tell a lie?* we must then argue from *consequences*. They then wheel about to *conjecture*, which they divide into four heads. The first, as it considers the inherent properties of any thing. Thus in the following proposition, *whether the laws of society are founded upon nature or upon opinion?* The next head of conjecture relates to the foundation of any thing; such as *laws* and *government:* the next regards the cause and reason of any thing; for instance, *why do the most learned men differ upon the most important subjects?* The last head consists in *immutation;* for instance, *whether virtue can die in a man, or whether it may not possibly be converted into vice?* The modes of *definition* are as follow: *what are the ideas that are innate in the minds of men? Whether that can be called lawful that is most advantageous to the greatest part of a society?* When a quality comes to be examined, as, *whether the elegance of speech is the character of an orator?* Or, *whether some other men besides an orator may not possess it?* Or when a subject is subdivided; for instance, *how many kinds of things are desirable?* Or, *whether these*

kinds are not three? those relating to the body, understanding, and fortune. Or the mode, and, as it were, the natural character is to be described; such as, *of what species one man's avarice is, another's facetiousness, and a third man's vain glory?* As to *consequences*, two kinds of questions first present: the first is a simple discussion of a point; such as, *whether glory is desirable?* Or it is comparative; such as, *whether glory or riches are more desirable?* The simple kind is subdivided into three heads; things that are in their own nature to be sought or avoided; such as, *whether honours are to be sought after? whether poverty is to be avoided?* The next consists in an inquiry into what is right or wrong; for instance, *whether it is right to revenge the injuries done to our friends or relations?* Lastly, what is becoming, what is base; for instance, *whether it is becoming to meet death in order to purchase glory?* The modes of comparison are two; the one, when the inquiry turns upon a dispute, whether the terms are synonimous or not; as, *whether to* DREAD *and to* FEAR *be the same? Whether a* KING *and a* TYRANT *be the same?* COMPLAISANCE *and* FRIENDSHIP? The other mode consists in examining what is most eligible; for instance, *whether wise men are led by the opinion of the most worthy men, or by popular applause?* And all the modes regarding *speculative* knowledge are generally laid down by the most learned men in the same manner.

CHAP. XXX.

As to what regards *practice*, it turns either upon an inquiry into the nature of a duty, under what head it will come, or what is right to be done, or whether such a thing ought to be done at all? This is a topic under which the whole magazine of virtues and vices may come: it turns upon the management of the passions, when and how they are to be moved, awakened, composed, or roused. This kind comprehends advices, threats, consolations, bemoanings, and every spring that inspires or allays the passions of the mind. Having thus explained the kinds and the

modes of these discussions, give me leave to observe, that though there may be some small difference betwixt that division of Antonius and mine, yet they are in the main the same; for both our disputations are made up of the same members, although a little differently placed and disposed of by us. Now I will proceed to the rest, and confine myself to my own charge and task. For all proofs, upon all kinds of questions that can arise, are to be taken from those topics which Antonius has laid down; but certain topics are best adapted to certain kinds. It is needless to speak any thing upon this subject, not because it is too tedious, but because it is self-evident. Those speeches therefore are the most beautiful which launch out into the widest field, and, instead of being confined to private and personal altercation, throw the reasoning into general propositions, which giving the hearers a complete view of the nature, of the kind, of the extent of the subject, directs them in their decision upon the particular parties, crimes, and pleas. It was to a habit in this practice, young gentlemen, that Antonius advised you, when he gave it as his opinion, that you ought to disregard the minuteness and narrowness of altercation, and apply to the energy and command of reasoning. The writers upon the method of eloquence were mistaken when they thought that this was to be attained to by reading a few pamphlets: it extends further than any thing that can be learned at Tusculanum, at a walk in the morning, or in a company in the evening, such as ours is now: for not only our tongue must be polished, and hammered into eloquence, but our minds must be stored, they must be filled with the beauties, the command, and the variety of all great subjects.

CHAP. XXXI.

If, therefore, we are orators, if we are to preside, if we are to lead the controversies of citizens, in doubtful conjunctures, and public debates: it is ours to possess all that wisdom, all that learning, which men who were at leisure, while we were busied, wrongfully

seized as a stray, and unclaimed property: nay, they went so far, that they either ridiculed orators like Socrates in Gorgias, or if, in a few pamphlets they laid down any rules of eloquence, they titled them books of *rhetoric*. As if the province of eloquence did not extend to what these rhetoricians have said upon justice, the civil duties, the founding and governing of states, the practice of morality; nay, the principles of nature. As we know not against whom else we are to enter our claim, we ought to strip those plunderers of our properties, provided we apply them to the knowledge of civil affairs, in which we are conversant, to which they belong, and which they regard. Let us not therefore, as I said before, waste our years in learning such points; no man can ever be master of the sources, if he is too long in descrying them; but when we have descried them, let him frequently and occasionally draw as much from them as may serve the purpose he has in hand. For the eye of knowledge is not so piercing in any man, as to be able to discern those mighty matters, unless they are pointed out; and after they are pointed out, so far are they from being wrapped in a cloud, that there is no man of quick apprehension but must discern them. As therefore an orator is at liberty to range this wide, this spacious field, in which he cannot tread but on his own property, he never can be at a loss for the pomp and embellishments of eloquence. His being master of the subject will give him the command of expression: and if the points to which he speaks are of themselves laudable, their nature will communicate a lustre to his words. But it is still to be understood, that the speaker or the writer be a man of genteel education from his youth, that he have a passion for study, be assisted by genius, and conversant in the boundless disputes arising upon general propositions: add to this, that he must be thoroughly acquainted with, and practised in the imitation of, the best writers and orators; such a one will have no occasion to apply to those teachers for the best method of arranging and illustrating his expressions. Thus without any directions but those

of nature improved by practice, the command of *things* will furnish him with the gracefulness of words.

CHAP. XXXII.

Says Catulus here; immortal gods! Crassus, what a variety, what force, what command of subjects have you attained to! and from what confinement have you dared to bring an orator, in order to place him upon the throne of his ancestors! For we understand that the ancient authors and teachers thought that no kind of disputation was exempted from their handling; and that they always professed to reason indiscriminately upon every subject. Hippias of Elis, who was one of them, when he came to Olympia, while the famous *quinquennial* games brought a prodigious resort to that place, boasted in the hearing of almost all Greece, that there was no point in any art, be it ever so extensive, of which he was ignorant. In this boast he comprehended not only the liberal arts, such as geometry, music, grammar, poetry, together with natural and moral philosophy and politics, but he told them, that with his own hand he made the ring which he wore on his finger, the cloak he had on his back, and the shoes that were on his feet. This perhaps was going too far; it may however serve to form a conjecture how passionately fond these orators were of the noblest arts, when they could stoop to the meanest. What shall I say of Prodicus of Chios? Of Thrasymacus of Chalcedon? Of Protagoras of Abdera? who in their several ages entered very far, both in their discoursings and writings, into natural philosophy. Gorgias of Leontium himself, whom, as an orator, Plato was pleased to make inferior to a philosopher, never was overcome by Socrates, nor is the discourse left us by Plato genuine; but if in reality he was overcome, it was owing to Socrates being more eloquent, and, as you have said, to his being a fuller and a better speaker. But even he, in Plato's book, professes to treat with the greatest copiousness upon every thing that could become the subject of altercation

or inquiry; and he distinguished himself by being the first to call every man there to give him what subject they pleased to speak on: these qualities gained him so much honour in Greece, that his statue at Delphos was all of gold, while the rest were but gilded. These, together with many others the most learned professors of eloquence, were all cotemporary; from them we may understand that the matter was as you represented it, and the profession of an orator in ancient Greece was both of greater extent, and in greater esteem, than it is here. Therefore, I am in some doubt whether you deserve most praise, or the Greeks most blame; since you, born in a country of a different language, and different manners, amidst the prodigious hurry of business in the state, and the diversions you have had by almost all the private business of the city, by the share you had of the government of the world, and the direction of a mighty empire, have been able so effectually to make yourself master of so many important subjects, and make it go hand in hand with that civil knowledge and practice, which is required in the greatest politician, and the greatest orator of the state; while the Greeks, who were born in the bosom of learning, impassioned with these studies, and melting in ease, have been so far from improving their patrimony, that they have not been able to transmit it to posterity, as full and as free as it was left them by their ancestors.

CHAP. XXXIII.

It is not in this single business, replies Crassus to Catulus, but in many others, that arts have dwindled by splitting and subdividing them. Do you imagine in the days of Hippocrates of Cos, that some were physicians, others surgeons, and others oculists; when Euclid or Archimedes taught geometry; Damon or Aristænus, music; Aristophanes or Callimachus, grammar; that these several arts were so subdivided, as that no single man comprehended the whole system of any one, and that each set aside a particular branch as his own profession? I have been often told by my

father and father-in-law, that our countrymen who sought to acquire glory by means of wisdom, used to grasp at every branch of knowledge at that time known in this city. They mentioned as an instance of this Sextus Ælius, and we ourselves have seen Manius Manilius walking across the forum, which was an intimation to all his countrymen that they were welcome to consult him: and those who either walked about in this manner, or sat constantly at home in an elbow-chair, were resorted to to have their advice, not only in matters of the civil law, but when they wanted to marry a daughter, to buy an estate, to improve a field: in short, upon all duties and business that could present. The character of the wisdom which shone in the elder Crassus, in Titus Coruncanius, and the excellent Scipio, great grandfather to my son-in-law; who had been all of them high priests, was, that they were applied to upon all matters, whether divine or human; and that they indiscriminately gave their advice and assistance in the senate, before the people, in the causes of their friends, at home and abroad. What was there wanting in M. Cato, besides his being polished by this learning, which was foreign, and imported into his own country? Did his knowledge of the civil law hinder his pleading with eloquence? Or did his eloquence make him neglect the study of the civil law? No; he was employed and excellent in both. Did he shine less in his political character, by means of the great popularity he acquired in a private capacity? Before the people no man was a braver citizen; in the senate, none an abler member: at the same time, he was by far the best general we had: in short, he did not only pry into, and learn, but was able to write upon, every point of learning or instruction that was usual in this city, and in those times. On the other hand, at present, people who aspire to honours in the state generally come raw, furnished with no knowledge, and adorned with no learning. But if one man distinguishes himself from many, in any one branch of those qualities I have mentioned, such as in military accomplishments, or some practice in war,

he can raise himself; qualifications which, to tell the truth, are now in disuse. The knowledge of the law is another step to preferment, but even that knowledge does not extend to all the branches of the law, for nobody studies the pontifical law, which is joined with the civil. Eloquence is another, but then they think that it consists in speaking loudly and volubly. But they are absolutely ignorant of all connexion and relation subsisting among the liberal arts; in short, of the virtues themselves.

CHAP. XXXIV.

But to return to the Greeks, who must be introduced at least in this discourse, being a nation as much the standard of learning, as ours is of virtue; it is said that seven persons, who were both reputed and termed philosophers, were all of them cotemporary; and all of them, excepting Thales of Miletus, were the governors of the states they lived in. Was any man in his time more learned, or did any man possess an eloquence better supported by literature, than Pisistratus did, to whom the reducing from confusion, and disposing the books of Homer into the order we now have them in is attributed? He was not indeed of any great service to his fellow citizens, but then he was so famous for eloquence, that he passed for one of the first men in literature and erudition. What shall I say of Pericles? the copiousness of whose eloquence is reported to have been such, that when he spoke for the interests of his country, contrary to the sentiments of the Athenians, he knew, while he was saying very cutting things against the favourites of the people, how to render what he said delightful and agreeable to the people themselves: and the old players, even while they were abusing him, a thing which was at that time lawful in Athens, could not help saying that wit dwelt upon his tongue. Add to this, that so great was the energy of his eloquence, as to leave upon the minds of his hearers, as it were, certain stimulating powers. But Pericles was not instructed by a pedant who prated by the hour-glass; for we are told that Anaxa-

goras of Clazomenæ, a man eminent for his knowledge of the most sublime subjects, was his master. This Pericles therefore, who was distinguished by his learning, his politics, and eloquence, presided for forty years in Athens over all their affairs, both in peace and war. Need I to mention Critias or Alcibiades? They were indeed none of the best of patriots, but can it be denied that they were learned, eloquent, and instructed in eloquence from the mouth of Socrates? Who finished Dion of Syracuse in all manner of erudition? Did not Plato? Was it not he who formed, not only his tongue to eloquence, but his mind to virtue? Did he not impel, direct, and arm him to rid his country of her yoke? Were the arts then to which Plato formed Dion different from those to which Isocrates formed the famous Timotheus, the son of that excellent general Conon, and himself a very great captain, and a very learned man? The same were the arts in which Lysis, the disciple of Pythagoras, instructed Epaminondas of Thebes, who was perhaps the greatest man in Greece. The same those to which Xenophon formed Agesilaus; Archytas of Tarentum Philolaus; and Pythagoras all that part of Italy which formerly went under the name of Græcia Magna; nor can I be ever brought to believe they were not.

CHAP. XXXV.

THUS I can perceive that there was but one general kind of learning, which was suited to a man of letters, and the man who wanted to make a figure in the state; and that whoever possessed this learning, a genius to deliver it gracefully, joined to a practice in speaking without any impediment from nature, made a figure in eloquence. Therefore Aristotle, seeing the success which Isocrates met with, by having his school full of men of quality, whereas he himself had transferred his lectures from civil causes and public disputes to an empty elegance of expression, of a sudden entirely altered his form of teaching, and pronounced, with a little variation, a line relating to Philoctetes, where it is said, *that it was scandalous to be silent, and hear* BAR-

BARIANS *speak:* Aristotle said, *and hear* ISOCRATES *speak.* He therefore embellished and enlightened this whole system, and joined the knowledge of things to the practice of speaking. Philip, that wise prince, was not insensible of this; for he sent for, and appointed him tutor to his son Alexander, who by his instructions improved in the exercises both of acting and speaking. It is therefore of no consequence whether the philosopher who talks eloquently, is called an *orator*, or whether the orator who joins wisdom to eloquence is termed a *philosopher;* provided it is admitted that a knowledge of *things*, without an ability of expressing them, no more deserves the name of *eloquence*, than a fluency of *words*, joined to an ignorance of *things:* for my part, were I to take my choice, I should prefer *good sense*, though uneloquent, to *nonsense*, let it be ever so flowing. But the palm must be given to eloquence joined with learning; and if philosophy is added to these, it puts the thing beyond controversy. But suppose they are separated, these two last qualities will be inferior to eloquence, because they unite in the greatest degree in a complete orator: but the knowledge of philosophy does not always carry along with it eloquence; which, however, it may be slighted by philosophers, yet appears quite necessary for giving the finishing touch to all the arts. When Crassus had done speaking a general pause ensued in the company.

CHAP. XXXVI.

INDEED, said Cotta, I cannot at all complain that your discourse has run into a subject different from that which you undertook to speak to; for you have taken upon you a larger share than what was allotted and enjoined you by us: but undoubtedly your province was to speak upon the method of illustrating a discourse; upon this you had entered, and divided the whole excellency of eloquence into four parts: after you had, as you said yourself, quickly and slightly, but, as we think, sufficiently, spoken to the two first parts, you left two still to be spoken to; I mean the method of speaking with *gracefulness*, and

next with *propriety*. Scarcely had you touched upon this, when the fervour of your genius snatched you far from the ground, and conveyed you almost out of our sight. You comprehended the whole system of knowledge; you did not indeed communicate it to us; for it is a matter of too much consequence to be imparted in so short a time; but I speak only for myself; I own however that you carried me into the heart of the academy. We wish what you have often advanced were true, I mean that it is unnecessary to consume one's life in these academical exercises; and that, in order to be master of them, it were sufficient to have a view of them. But, though they are difficult, and I am dull, yet never will I rest, never will I give over, before I am acquainted with all the ways and arts of disputing, both for and against every subject. There is one thing, Crassus, in your discourse, said Cæsar, which I own touches me; and that is, your denying that a man who does not learn a thing quickly can ever be able to learn it at all; so that I may find it easy to try, and immediately learn those points, which you in your discourse have so prodigiously extolled; or, if I am incapable of that, I may lose no time, and take up with what I can pick up from my own countrymen. For my part, Crassus, said Sulpicius, I neither stand in need of your Aristotle, nor your Carneades, nor any of your philosophers, you are welcome either to think that I despair of such attainments, or to despise them: the knowledge, indifferent as it is, that I have attained to in the ordinary practice of the bar, is sufficient for all the degrees of eloquence that I have in view, yet I am ignorant of many of those, and am at a loss for them when I am to plead a cause. Therefore, unless you are already tired, and unless we are troublesome to you, I beg that you would touch upon those properties that communicate splendour and dignity to a speech; I wished to hear you talk upon this subject, not that I might despair of my attaining to eloquence, but because I still want to improve in learning.

CHAP. XXXVII.

THE points you require me to speak to, answered Crassus, are common, and such as you are no stranger to: they are points upon which numbers of people have taught, lectured, and even written. But I will obey you, and so far as I know I will communicate in a few words; but still I will advise you to refer to the authors and inventors of those minute subjects. Every speech therefore is made up of words, which we first consider by themselves, and then as standing with others. For one embellishment of speech consists in words considered singly, and in themselves; and another as they form a period or sentence. Let us therefore make use of words that are proper, adapted to the quality of what they express, and almost coeval with their subject; or such as are metaphorical, as being substituted in room of somewhat else: or such as are invented, and coined by ourselves. With regard to proper words, a good orator will avoid all that are *low* and *obsolete*, and use those that are well-chosen, significant, full, and sounding. But in this choice the ear is to be consulted: and to this a good manner of speaking is very necessary. The expression made use of by ignorant people, when they are characterising speakers, *that such a man makes use of good words;* or, *such another of very bad ones*, is not the result of their learning, but of their natural sense. And this does not make it any great merit, if a speaker avoids improprieties, though there is a very great merit in it, but lays the whole foundation and ground-work of the whole, in the use and command of good words. But the subject of our present inquiry and illustration regards the superstructure and the embellishments reared by the orator.

CHAP. XXXVIII.

As to single words, then, there are three kinds which the orator employs in illustrating and embellishing a speech; the *disused*, the *new-coined*, and the *metaphorical*. The *disused* are generally old, worn out, and have not for a long time been employed in

common conversation; such words are more proper for poets than us. Yet sometimes a poetical expression gives a certain dignity to a speech; for I would not scruple to say, with Cælius; *in days of yore,** *when the* PUNIC *came into Italy;* nor THE ISSUE, nor THE OFFSPRING *of such or such a man;* or TO NONCUPATE; or, with Catulus, FORSOOTH, or METHINKS, together with a great number of other expressions, which, when they are happily disposed, often give a speech a greater air of *grandeur* and *antiquity*. Words are new-coined two ways; when they are produced and made by the person who uses them, either by composition, as, *then fear* EXPECTORATED *all my sense;* or in the following line, *shall I be practised in such* FOX-LIKE *wiles?*† Here, you see, EXPECTORATE and FOX-LIKE are words made by composition, and not invented; or else words are often absolutely *invented*, as the expression in Ennius, *the* GENITAL GODS; or thus, *beneath the fruitful berries it is* INCURVED. As to the third mode, which is that of metaphorical expression, it is very extensive, and was at first the effect of necessity and confinement within too narrow a compass; but afterwards it became agreeable, delightful, and usual. For as dress was at first invented to shelter us from the cold, people afterwards improved it into an ornament and distinction of their persons: thus pleasure adopted those metaphorical expressions which poverty invented: for there is not a clown now who does not speak of the *ruby grapes*, the *luxuriant grass*, and the *smiling corn*. For when a thing cannot be expressed by a proper word, but is by a metaphorical, the similarity of the subject from which the metaphor is borrowed gives a lustre to our meaning. Therefore these metaphors are, as it were, borrowings from a foreign subject. But other kinds, such as those employed by an orator, are more hardy, and do not denote a poverty, but communicate a lustre to his language. Why shall I either point out to *you* the manner of inventing them, or their kinds?

* *In days of yore*]—Orig. *Qua tempestate* PÆNUS *in Italiam venit—prolem—sobolem—effari—noncupari non rebar—opinabar.*

† *Fox-like*]—Lat. *Versutiloquas.*

CHAP. XXXIX.

A METAPHOR consists in one word, which being substituted for another, if the similarity strikes, it is delightful; if not, it is shocking. But all metaphorical expressions ought to illustrate the subject, as in the following verses:—

> The ocean shudders, while darkness palpable
> Sits brooding on the deep, and pointed flashes
> Glancing athwart the clouds, the vaulted dome
> Of heaven all trembles with the thunderer's peals.
> Down from the windows of the sky descends,
> In mighty cataracts, a gelid storm
> Of rain, commix'd with hail. Then the winged winds
> Burst from their prisons, and in hurricanes
> Sweep o'er the surface of the troubled deep.

Here almost all the metaphors are drawn from similar objects, to heighten the description of the storm. They are likewise employed to hint any thing that is done or intended; as when we want to paint a man who puzzles any thing, and purposely renders it unintelligible, we can do it by a metaphor of two words. *He entangles himself in a web of his own spinning.* A mataphorical expression sometimes assists brevity; *if the dart shall escape his hand;* here the throwing the dart at random is *hinted at* in as few words by a metaphor as it could have been *expressed* without one. And I have often been surprised upon this head, why we should be better pleased with metaphorical and foreign expressions than with proper and unborrowed ones.

CHAP. XL.

FOR if an object has not a word appropriated to itself, *as the foot of a ship, the tongue of a balance, the divorce of a wife,* then we are obliged to use metaphors to express them. But even where there is the greatest copiousness of proper, unborrowed expressions, people are generally best pleased with well-chosen metaphors. I imagine that this happens from its being a kind of a mark of genius to slight obvious, easy expressions, and to borrow them from far-fetched subjects, or because

the hearer is drawn into a train of reflection, which carries him further than he should otherwise go, and yet not out of his way: this is extremely agreeable; or it is owing to the expression presenting, at the same time, the object and the whole image; or because all metaphors, at least such of them as are best chosen, are applied to the senses, especially the seeing, which of all senses is the most exquisite. Thus, when we say, the *tincture of politeness, the softness of good breeding, the murmur of waters,* and *sweetness of language;* these metaphors are all taken from the other senses. But the metaphors taken from the sense of seeing are much more striking, because they place in the eye of the imagination objects which otherwise it is impossible for us to see or comprehend. For there is nothing in nature but what we may adapt its name to signify somewhat else; and every object from which a likeness can be raised, as it may from all objects, if metaphorically applied, one word taken from it illustrates a discourse. In the first place, all dissimilarity is to be avoided in metaphors: as when Ennius says, *the mighty arches of heaven;* though he brought a globe upon the stage to denote heaven, yet the spectators could find no similarity betwixt a globe and an *arch.*

——— Live, Ulysses, while you may,
Then snatch a glance, and bid farewell to day.

Here the poet does not say *take or receive,* because such expressions might have implied as if he hoped to live longer; but he makes use of the word *snatch,* which agrees with what he says before, *while you may.*

CHAP. XLI.

We must next take care that the simile is not too far-fetched; for instance, I had rather say, *the rock upon which an estate was wrecked,* than *the Syrtis where it sunk:* I had rather say the *gulph,* than the *Charybdis, of wealth;* for the eye of imagination is more easily directed to objects which have been subjected to the sensual sight, than those which one knows nothing of but by hearsay. And because in

metaphors the great excellency lies in the aptness of the image, we ought to avoid all images which present obscene ideas to the mind of the hearer: for instance, when I speak of the death of Africanus, I should not choose to say *that the republic was thereby gelded;* nor to call Glaucia *the excrement of the senate;* for though the picture may strike, yet they convey nasty ideas to the mind. I would not choose to have a simile raise an idea that is too unwieldy for the subject: as, for instance, *an hurricane of debauch* says too much; *the debauch of an hurricane* says too little, which I would avoid too. I should not choose to have the metaphorical expression more circumscribed than the proper and unborrowed one would have been; for instance, *prithee what is the matter, why do you nod the people from you?* The author had much better have said *why do you hinder, prevent, frighten people?* Because he had said a little before *hence, away, my friends;* the shadow of *my presence is contagious to the worthy.* If one is afraid that a metaphor be too harsh, it may be softened by throwing in an expression before it; for instance, if when M. Cato died, one had taken it in his head to have said *that the senate was left an orphan;* that would have been a little too harsh, it might have been softened by the expression *if I may venture to say it, an orphan:* for a metaphor, as it possesses a strange place, ought to be introduced with *diffidence;* it ought not to rush in, but be brought in, it ought not to appear strained, but natural. But there is no method of writing that communicates greater gracefulness to particular expressions, or throws a greater lustre upon a speech in general, than the metaphorical does. For the lustre flowing from this figure does not consist in one metaphorical expression, but is continued by a connexion of many, which being taken separate have a different signification from what they have as they stand connected with one another. Thus, *I will not suffer the Grecian fleet to strike again upon the same rock and weapon;* and, *you are mistaken, you are, for the strong curb of laws will suppress your insolence and confidence, and will subject you to the yoke of their dominion.* Proper words that are borrowed

from a similar object, as I have before observed, may be metaphorically applied to another thing.

CHAP. XLII.

THIS is the great ornament of language, and obscurity here is, by all means, to be avoided; for it is from the *metaphorical* that the *enigmatical* way of speaking arises, which last does not consist in words, but in periods, that is, a certain fabric of words. The following metaphor does not consist in a word, but in the whole period; *grim Afric trembles with tremendous noise*; here *Africa* is put for the *Africans*. Nor is the word here made as in this, *the sea with rock-lashing waves;* nor is it borrowed, as here, *the sea is softened;* but it is a proper word, substituted in place of another proper word, by way of ornament, as in the following instance, *give o'er, O Rome, thy enemies to*———And thus,—*the spacious fields are witnesses*. The majestic style is often employed with success in the embellishment of a speech; for instance, we put *Mars* instead of *war*, *Ceres* for *corn*, *Bacchus*, for *wine*, *Neptune* for the *sea*, the *house* for the *senate*, the *field* for the *assemblies of the people*, the *long robe* for *peace*, *arms* and *weapons* for *fighting*. In the same manner we personify virtues and vices to signify their several subjects. Thus we say, *the family into which luxury breaks; the place wherever avarice penetrates; truth prevailed; justice triumphed*. So much for this great figure of ornament, by which the same thing is expressed, by changing or adapting a word. There is another, much of the same nature, which is less ornamenting, yet ought not to be unknown: as when we put the part for the whole, or the whole for the part; as, for instance, speaking of a house, we may call it *the* WALLS: of a single troop, we may call it *the cavalry of the Roman people:* or we may express a multitude by using the singular number; for instance, *though the thing was bravely done the Roman trembled:* or one man may be spoken of in the plural number, thus, *before we were Rhudians, now we are Romans*. But in all this figure it is not the letter, but the meaning that is regarded.

CHAP. XLIII.

We often likewise misapply words, a practice that never has any good effect but in metaphors; but though a great deal of liberty is used here, it sometimes has a happy effect. Thus, speaking of an *important* discourse, we call it a *grand* one; speaking of a *little* soul, we call it a *diminutive* one. But you may perceive that all these metaphors do not consist in the word, but in the period, which, as I said before, is connected by several metaphorical expressions. But as to those which I have mentioned to happen by alteration, or are to be understood otherwise than they are spoken, they are all in some sort metaphorical. Thus the whole force and beauty of single expressions arise from three circumstances; either when one uses an old word, which may, however, be borne with, in the language of the present age; or when it is made either by composition or creation, in which case the ears and practice of the world are to be consulted; or when the expression is metaphorical, which serves as so many stars to bespangle and illuminate a speech. The composition of style is our next consideration, which requires two things, first, the arrangement, secondly, a certain harmony in turning the period. Arrangement consists in composing and placing your words so as that there may be neither too much roughness, nor too much openness in the pronunciation, but that the structure of the whole may be connected and smooth; as Lucilius, that elegant satirist, introduces the character of my father-in-law, saying, with a great deal of wit,

> **Here finely jointed are the periods found,**
> **Smooth as the art that plans the polish'd pavement.**

As in these lines he plays upon Albucius, neither has he spared me. *I have a son-in-law, Crassus, who* OUTORATORS *you.*

What then! that same Crassus, as you have made free with his name, what has he effected? Why the very thing that both he and I wanted; and I hope we have succeeded a little better than Albucius. But

Lucilius always used to break his jokes upon me. However, this arrangement of words is to be observed so as to render your style coherent, smooth and equal. This you compass, if the latter part of your period is joined to the preceding in such a manner as that there be neither a disagreeable roughness, nor too wide an opening.

CHAP. XLIV.

THE next thing I would recommend to your attention is the fashion and form of your words, which I am afraid Catulus may think a childish consideration. But our forefathers thought, that in our prose we should employ a kind of versification and certain numbers. For they require proper pauses in a style, where we may recover, instead of losing, our breath; and that these should not be left to the pointing of a transcriber, but be directed by the turn and manner of the words and periods. Isocrates is said to have first taught this, that he might regulate by certain numbers the loose, rambling style used by the ancients, and thereby, as his scholar Naucrates writes, give relief and pleasure to the ear. For musicians, who formerly were poets too, moulded their verses and their recitative into delightful harmony, so that the numbers of the one and the melody of the other prevented the ear from ever being satiated with pleasure. These two properties, therefore, I mean the sweetness of delivery and the closing of periods, were by them taken from poetry and engrafted upon eloquence, as far as the gravity of prose could admit of: the chief difficulty here is to prevent your periods from running into poetry, for that would be a fault, and yet to give it all the ease, the harmony, the roundness and finishing of numbers. And perhaps the chief of many distinctions betwixt a good and a bad speaker is, that the one indiscriminately and unskilfully pours out all he has to say, without stopping from any other rule than that of his being breathless. But an orator connects his sentiments with his words in such a manner as to confine both within periods which are musical without

being confined; for though he restricts his style to periods and to measures, yet he relieves and unbends it by varying the stops and cadence; so that his words are neither cramped by the fetters of versification, nor ramble into any wildness of licentiousness.

CHAP. XLV.

By what means then are we to arrive at this excellency of style in speaking with all the harmony and beauty of numbers? Why, the matter is not so difficult as it is necessary. For there is not any one thing in the world so pliable, so flexible, so ductile, and so obsequious as language. It produces equal and unequal measures in poetry, and is the material from which we form prose of various measures and different kinds. The words we use in conversation are the same we use in pleading; and the words that form our language in common life are the same with those we employ in plays and harangues. But then after we have raised them from their grovelling, common import, we then mould and fashion them at pleasure, like the softest wax. By these means our style is sometimes majestic, sometimes delicate, and sometimes in a mean. By these means our language is adapted to the sentiment we profess, and is suited and accommodated to every purpose, whether depending upon soothing the ear, or touching the passions. But in speaking the same thing happens which may be discovered in most of the other surprising operations of nature, that the subjects which are of the greatest utility contain the greatest dignity, and often the greatest beauty. We see that the economy of the universe, and of nature, is accommodated to the general safety and happiness. The concavity of the heavens, the centrical position of the self-balanced earth, the rotation of the sun through all the gradations and revolutions of the seasons, the access and recess of the moon, by which the radiancy she derives from the sun is regulated; and the unequal revolutions of the five other planets, are all so many convincing proofs of this truth. So unvarying are the properties which effect all these causes, that the least

alteration would dissolve the whole system; and so beautiful is their economy, that fancy can form nothing so fair. Let us now reflect upon the form and figure of man, and even of other animals; there you find that every member has its proper use; and that the finishing of the whole speaks not a blind chance, but a providential wisdom.

CHAP. XLVI.

How wonderful is the vegetating creation, where there is not a stock, there is not a bough, nay, nor a leaf, which does not operate in preserving and propagating its own nature, yet all is beauty. Let us pass from nature to the arts: in a ship, what is more necessary than the sides, the keel, the prow, the stern, the yards, the sails, the masts? Yet altogether appear so comely, that they seem not as designed for preservation only, but for beauty. Pillars support porticoes and temples, yet they are not more graceful than they are useful. It was not beauty, but necessity, that contrived the noble cupola of the Capitol, and of other sacred structures. For in the contrivance how to set the rain off on each side of the edifice, the very form in which this was brought about created the lofty appearance it makes: so that though the Capitol stood in the heavens, where no rain can fall, the majesty of its structure would be lost without its cupola. The same observation holds good with regard to eloquence, almost through all its parts: for there wit and harmony almost attend utility; and, I may say, necessity. For the stops and divisions of periods were first introduced for recovering the breath, and sparing the lungs; and yet in their own nature they are so musical, that though one's lungs were inexhaustible, yet we should not wish for a continuity of its style without any stops. Such a sympathy subsists betwixt what is agreeable to our ears, and what is not only possible, but easy, for our lungs.

CHAP. XLVII.

As far as our breath will reach without drawing it, is the measure of the longest period: but though this

is the standard of nature, art has a different one: for as there is diversity of numbers, your favourite Aristotle, Catulus, debars an orator from too frequently using the *iambus* and the *trochee;* yet they naturally run into our language and discourse: but the strokes, and the quickness of their feet, have too strong an effect upon the ear; therefore he recommends *dactyles*, *anapests*, and *spondees*, which are used in *hexameters*, as most proper for our purpose; for we can make free with two or more feet, and thereby avoid falling into poetry or versification. There are dissyllable measures, with which these three hexameters fall with a pretty good effect in the beginning of periods. But Aristotle chiefly approves of the *peon*, which is twofold; for it consists either of one long and two short syllables,* or of three short, and one long syllable.† Our philosopher is best pleased with the setting out in the former of these *peons* and finishing by the latter, which is not determined by the number of syllables, but by the more accurate and exact judgment of the ear: this measure is equal almost to the *creticus*, which consists of a long, a short, and a long syllable. Fannius, by setting out in this measure,‡ thought it more proper than the stops with which long syllables are generally terminated.

CHAP. XLVIII.

But in using these quantities we are not tied down to so scrupulous and strict an observation of the measures as poets are, who are confined to exactness, both in their numbers and versification, so that there must not be the least breath, either longer or shorter,

* The author here gives examples of this figure, as *definite*, *incipite*, *compromite;* but as these are given only for their measure, and not their meaning, we have not thought proper to translate them.

† *Domuerant*, *sonipedes*. Orig.

‡ Our author gives an instance of this measure in a Latin line;

Quid petam præsidî, aut exsequar? Quove nunc?

and tells us that Fannius set out with this measure in the following words, *Si*, *Quirites*, *minas illius*. *Ille* in the original may mean Aristotle.

than the rules of prosody admit of. Prose is more free, and in plain terms it is, as it is called, an unconfined style, but without looseness and rambling, for it regulates itself without constraint. For I think with Theophrastus, that a finished, polished style ought not to have a regular, but a flowing harmony of periods. He is likewise of opinion, that the *anapestus* was composed out of those measures that make up the heroic, as being of a more unconfined nature; that this was followed by the *dithyrambus*, which is more free and luxuriant still, its quantities and measures being diffused through all florid styles. And if, in every modulation of voice, in all cadences of periods, harmony consists in certain effects they have upon the ear, and a well-timed measure betwixt every stop, the true excellency of a prose style lies in rightly judging this measure, and taking care that it have no regular returns that may tire the ear. For if an everlasting flowing prate, without stop, without stay, is disagreeable in all respects, what is the reason, but because the ear modulates the voice, which can have no harmony if it keeps no TIME? But there is no TIME where there are no STOPS. The intermission and striking of sounds either at equal or unequal intervals, make TIME. We may observe a TIME in water falling drop by drop, but cannot in a rolling river. If style, therefore, considered as a fluxion of words, is much more proper and agreeable when marked by stops and periods, it is plain that its members ought to be under some regulation. If the close of a period is quick and short it spoils its roundness; for so the Greeks term the turn of a style. Therefore the syllables at the close of a period should be equal to the foregoing, and these to what preceded them; or else, what is much better and more musical, they ought to be longer.

CHAP. XLIX.

SUCH, Catulus, are the precepts of your favourite philosophers, whom I often quote, that I may, under their sanction, avoid the imputation of trifling. How so, replied Catulus, do you imagine then that you could

have brought any thing into your discourse that is more elegant or more delicate? But, answers Crassus, I am afraid that these young gentlemen will fancy it more difficult than it really is; or because I have not delivered it in the common terms, that I affect to make it seem important and difficult. You are mistaken, Crassus, said Catulus again, if you imagine that either I, or any of this company, expected from you aught that was trite or common. You have spoken to the very points we wished to hear from you; and your manner is still more agreeable than your matter; this I boldly pronounce, not only for myself, but in the name of all present. For my part, says Antonius, I recant what I advanced in my pamphlet, that no man can be *eloquent;* for I have now found such a man. But I do not intend to divert you in the short time you have for finishing your discourse, nor shall one word of mine, even in your praise, misemploy it. You must then, continued Crassus, form yourselves to this standard of eloquence by practice in speaking and writing, that great embellisher and finisher of all other attainments, but of this especially. But this is no such mighty task as it appears, for you are not bound down to the rigid laws of poetry and music; all you have to do is to take care that your style be neither loose nor rambling; that it stop not too short, nor run on too long. That its divisions be well marked, and the periods round, nor are we to make use of a *sameness* in their turn; you must often throw into your style detached, quick sentences; yet even these ought to have their proper cadence. Do not be startled at the *peon*, or the *hexameters* I have mentioned; you will naturally fall into them, they will present, they will offer, themselves to your service, if, while you practise speaking and writing, you close your periods with verbs, and these verbs are compounded of free, easy measures, such as the *heroic*, the first *peon*, or the *creticus;* but the close ought still to be varied and diversified, for it is there that the *sameness* is chiefly observable; and if the first and the last feet are regulated by this rule, the intervening will slip unobserved; but care must still be taken that the period do not turn

too quickly upon the ear, or be protracted beyond what the breath and the strength of the lungs will admit of.

CHAP. L.

BUT of all things I am of opinion that you ought to have a particular attention with respect to your stops, for in these we chiefly judge of the finishing and perfection of style. In verses, an error in the beginning, in the middle, and in the end, is equally perceptible; and it shocks wherever the failing is; but in prose very few mind the beginning, but most people the end, of a period; and these, because they are most striking and best understood, must be varied, lest either the judgment be offended, or the ear tired. For the last two or three feet are to be observed and marked, provided the foregoing were not short and quick, for they ought to be either *chorian*, *heroic*, or *alternate*, or of the last kind of *peon*, which is approved of by Aristotle; or the *creticus*, which is equal to that. When these are skilfully diversified, the ear of the hearer is neither cloyed by a *sameness*, nor does it seem to have cost any trouble to the speaker. But if Antipater of Sidon, whom you, Catulus, well knew, was used off hand to pour forth *hexameter*, and other verses, in a variety of measures; and if practice so much improved a man of his great genius and memory, who was no sooner in a vein of versifying than words followed of course, how much more easy is it for us to attain the same end in prose by use and practice? But if any one should be surprised that these things are discerned and marked by the most vulgar hearer; he needs but only reflect how great and incredible the force of nature is in every thing, especially in this; for every man has within him a certain tacit sense, which enables him to distinguish what is right or wrong in arts and sciences, and this without instruction or information. If this observation holds good with regard to pictures, statues, and other works, in criticising which they have less assistances from nature, it is much more evident in the judgment they form upon words, harmony and delivery, because this is a judgment implanted in the senses that are com-

mon to all mankind: it is a faculty which nature never meant that any rational creature should be absolutely void of. Therefore people are not only moved with an artful disposition of words, but even with their harmony and sounds. For how few know the arts of number and measures, yet we see on the stage, upon the least slip in making a word either too long or too short, the whole theatre resounds with the dislike of the audience. Will not, then, the same thing happen with regard to words, so that they may not only in a period and a sentence be disagreeable to the people, not only in a body, but separately?

CHAP. LI.

It is surprising there should be so great a difference in the talents of the learned and unlearned, and yet so little in those required to judge of both; for art, which is but the daughter of nature, appears ineffectual, unless she touches and delights nature; but nothing is so analogous with our intellectual faculties as harmony and sounds; through them we rise, we kindle, then sink and languish; they often put us in a cheerful, and often in a melancholy, mood; their wonderful magic is best adapted to verses and odes; therefore I imagine our learned prince Numa, and our ancestors, were sensible of this, as appears by the musical instruments introduced in the solemn banquets, and the verses of the Salii: but they were chiefly used in ancient Greece, and I wish you had chosen that my discourse had turned upon these, and such other subjects, rather than in a childish play upon words: but as the common people can perceive a fault in the quantity of a verse; so they are sensible of any hobbling in a prose style; but they never pardon the poet, though they indulge us; yet all of them secretly perceive that there is a defect in that propriety and perfection we have mentioned. Therefore the ancients, as we see some now-a-days, when they were unable to complete the roundness, and, as it were, the sweep, of a period, a thing that we have lately either effected or attempted, have supplied it with three words, or

two, and some with one; and in that dawn of arts, by pleasing the ear in its demand, this answered their purpose, which was, to have words in their periods respondent to, and at equal pauses from, one another.

CHAP. LII.

THUS I have, as well as I am capable, explained whatever belongs to the embellishment of style; for I have considered the propriety of words by themselves, as forming a period, and as forming it grave, full and harmonious. But if I am to speak as to the drapery, or the colouring of the speech; that ought to have a certain fulness without grossness; it ought to be genteel, yet lively and strong; and such as that its excellency may lie in its equally partaking a moderate share of both kinds. These three characters to be attended with a colouring which appears beautiful, not from the daubing of paint, but the flush of health. Then, then our orator is finished, both as to his style and sentiments, in such a manner as a fencing-master thinks himself obliged to instruct his scholars, not only how to give or parry a thrust, but how to move in graceful attitudes: in like manner composition and gracefulness of style consist in words, but its majesty and dignity in sentiments. The changes that may be run upon words and sentiments are almost indefinite; this I know you are sufficiently apprized of; but there is this difference in the constructions of words and sentiments, that the former is destroyed by not preserving the identical words, but the beauty of sentences will remain the same in whatever language they are clothed. Though you practice this, yet I think fit to put you in mind of it, lest you should imagine that an orator has any thing else to do (at least, any thing that can produce a beautiful and surprising effect) than to observe three things with regard to each particular word; to use metaphorical words frequently, sometimes factitious, but seldom antiquated, expressions. But in the thread of a discourse, after we have consulted the smoothness of periods, and the harmony of numbers I have mentioned, the whole style is to be

marked and bespangled by the brilliancy of sentiment and expression.

CHAP. LIII.

FOR the figure by which *we dwell upon one subject* is of great efficacy, as is a perspicuous illustration and a lively representation of facts in the same manner in which they happened. This is very serviceable, first in representing a matter, then in illustrating that representation; and likewise in heightening it, so that with our hearers we make the most of our subject that is in the power of words to make. Opposite to this figure is *precision*, which rather gives a hint to the understanding more than you say; as is likewise *brevity*, which consists in a distinct *conciseness*, together with *extenuation* and *illusion*, which falls pretty well in with Cæsar's rules. Then comes *digression*, which, as it is delightful, your resuming your subject ought to be proper and agreeable; then follows the *proposition* of what you are to speak to; then its *disjunction* from what hath been already said; then you *return* to what you proposed; then you *recapitulate;* then you *draw* from the premises *your conclusion;* then you *enhance* or *evade* the truth, according as your intention is to *exaggerate* or *extenuate;* then you *examine*, and, what is very near a-kin to examination, you *expostulate* and *answer* upon your own principles; then comes that bewitching figure of *irony*, by which a different thing is understood from what is expressed, a figure that has the most agreeable effects in a discourse, when introduced, not by way of argument, but entertainment; then comes *dubitation;* then *distribution;* then the *correction* of what you have either said, or are to say; or when you are to throw any thing off from yourself. *Premunition* regards the point you attempt to prove; then there is *throwing the blame* upon another; then there is *communication*, which is a kind of *deliberation* with those to whom you speak; then there is the *imitation of morals and life*, either when you name or conceal the characters they belong to; this is a great embellishment to a speech, and is chiefly calculated

for conciliating the favour, but often for moving the passions, of the audience. Then follows an *imaginary induction* of real persons, which is perhaps the most heightened figure of exaggeration; then *description;* then the *induction* of a mistake; the *impulsion* to cheerfulness; then *prepossession;* together with those two figures that have so strong an effect—I mean *comparison* and *example;* then comes *unravelling, interruption, straining, suppression of what you insinuate you know, commendation;* a more free, and even unbridled style when you want to *exaggerate,* and to give an *emphasis* to your expression; then comes *anger, chiding, promising, deprecating, beseeching,* a short *deviation* from your subject, but not of the same nature with *digression,* which I have already mentioned; then *apologizing, conciliating, blaming, wishing,* and *execrating.* It is chiefly by these figures that sentiments give beauty to eloquence.

CHAP. LIV.

As to the figures of style, they serve as in the case of fencing, either to shew how well the master can aim, and, as it were, fetch a blow; or how gracefully he can handle his weapons; for the repetition of a word sometimes gives force to a style, at other times it shews wit, as does a small variation or alteration of a word. A frequent repetition of the same word from the beginning, or the resuming it in the close of a speech; the giving force to words, and then making the same words meet, adjoin, and proceed, together with putting a certain mark of distinction upon a particular word which you often resume; and those which have the like terminations, and the like cadences; those which form the respondent parts* of a period, and have a mutual relation to one another. There is likewise a certain *gradation* and *conversion,* with a well-judged *transposition* of words; there is, then, their *opposition* and *detachment* from one another, by throwing out

* *Respondent parts*]—This is what we commonly call an *antithesis.*

conjunctive particles; then *evasion, reprehension, exclamation, diminution;* and what is placed in many cases, and what is drawn from particular propositions and applied to particular subjects; and the *method of laying down a proposition,* together with subdividing it into several parts; and *concession,* and another kind of *doubting* and *surprise,* and *enumerating,* and another *correction,* and *dissipating, continuity,* and *interruption,* and *representation,* and *answering one's self,* and *immutation* and *disjunction,* and *order,* and *relation,* and *digression,* and *precision.* These, or the like, perhaps there may be more, are the figures that illustrate the sentiments and the style of a speech.

CHAP. LV.

I PERCEIVE, said Cotta, that you have poured forth those points without definitions, and without examples, because you imagine that we are acquainted with them. For my part, said Crassus, I did not imagine that any thing I have spoken of is unknown to you; all I meant was to comply with your orders; but I see, by that declining sun, that I ought to be short upon those heads; for, as he is hurrying down, so has he forced me to hurry them over. But the explanation and rules relating to this kind are common, though the application of them is very important, and the most difficult part in all the practice of eloquence; therefore, as to the embellishments of style, if they are not all of them laid open, yet at least the topics from which they are borrowed have been pointed out. Now, let us consider *propriety,* by which I mean *gracefulness* of style. There is no general rule for this; for one kind of style cannot agree with every cause, every hearer, every character, every juncture; nothing is more evident than that criminal actions must be talked to in a language different from those we use in private and trifling cases; debates, panegyrics, trials, discourses, consolations, reprimands, disputation, and history, require each a different style. We ought likewise to regard the character of those before whom we speak, whether it be in the senate-house, or before the people,

in a court of justice; whether to a crowded, or a thin, audience, or to one person; we ought likewise to have some regard to our own age, our rank and character, and likewise to the juncture in which we speak, whether it be in the time of peace or war, of hurry or leisure. Therefore, we can lay down no general rule upon this head, but, as it suits the different occasions, to employ the three different styles we have mentioned, the full, the slender, and the middling, and to make a discretionary use of almost the same ornaments. In short, the utmost efforts of art and nature consist in our being able to judge of, and to do what is most becoming our character and the occasion.

CHAP. LVI.

BUT the effect of all those particulars depends upon the *action*. Action is the predominant power in eloquence. Without it the best speaker can have no rank, and with it a middling one may obtain the highest. It is said, that when Demosthenes was asked what was the first point of eloquence, the second, and the third, he answered, action, action, action. This makes the story told by Æschines much better: after he had lost a cause he retired for shame from Athens to Rhodes, where, at the request of the Rhodians, he read that fine oration, which he pronounced against Ctesiphon, who was defended by Demosthenes: after he had finished it, he was requested next day to read that which was pronounced by Demosthenes for Ctesiphon; which he did with a charming full voice. When every body was expressing their applause, *how would you have applauded*, says he, *if you had heard the author deliver it?* By this he intimated what a vast influence *action* had, since the change of the *actor* could make the same speech appear in a quite different light. What was that excellency, Catulus, in Gracchus? Whom you, no doubt, remember perfectly well, which, when I was a boy, I heard so much extolled. *Wretch that I am, whither shall I retreat? Whither shall I turn me? To the Capitol? The Capitol swims in my brother's blood. To my family? There*

must I see a wretched, a mournful, and afflicted mother? It appears that those words were accompanied with such an expression in his eyes, in his voice, and his gesture, that even his enemies could not refrain from tears. I have been the longer on this head, because it has been wholly neglected by orators, who are the actors of truth, and taken up by players, who are but its mimics.

CHAP. LVII.

YET doubtless in all cases truth has the advantage of fiction; but if in action nature were sufficient for our purpose, we should have no occasion for having recourse to the rules of art. But since the passions of the soul, which are to be chiefly expressed or represented by action, are often so confused as to be quite obscured and almost obliterated, the causes of this obscurity must be dispelled, and advantage must be taken of those that are most unclouded and accessible; for nature has given every passion its peculiar expression in the look, the voice and the gesture; and the whole frame, the look and the voice of a man are responsive to the passions of the mind, as the strings of a musical instrument are to the fingers that touch them; for as a musical instrument has its different keys, so every voice is sharp, full, quick, slow, loud, or low, and each of these keys have different degrees, which beget other strains, such as the smooth and the sharp, the contracted and lengthened, the continued and interrupted, the broken and divided, the tender, the shrill and the swelling: all these require to be managed with art and discretion, and the orator makes use of them, as the painter does of his colours, to give variety to his piece.

CHAP. LVIII.

ANGER has a peculiar pronunciation, which is quick, sharp and broken:

My bloody brother gives me his advice
To tear my tender children with my teeth.
O what a cursed wretch must I be then!

Like that, Antonius, which you mentioned.

Durst you part with him?

And the following:

Ah! mark you this, quick! bind him:

And so of almost the whole tragedy of Atreus. The tone of pity and grief is different; it is full, moving, broken and mournful.

Where shall I turn me? Whither shall I fly?
To my paternal seat, or Pelias' daughters?

And in the verse already mentioned:

O my father! O my country! O the house of Priam!

And the following:

——— All is in a blaze,
And Priam lies a lifeless corpse on land, I saw it.

Fear is low, diffident and humble:

With what variety of wretchedness
Am I surrounded! sickness, exile, want!
Then fear drives resolution from my breast,
And death in tortures hovers o'er my head!
Where is the breast so steel'd, the heart so brave,
But melts and trembles at the dreadful prospect?

Vehemence demands a strain that is intense, strong, and majestically threatening. Thus,

Again THYESTES to my bed approaches,
And wakes me from my slumber;
Alas! a mightier weight of woe must crush me;
I have a draught more bitter still to drink;——
Could I pluck out his heart, and rend its strings——

Pleasure is diffusive, soft, tender, cheerful, and gay:

But when to me the nuptial crown he brought,
And seem'd to give it to another's hand;
How gay, how charming, was the wanton boy!
How did his toying steal my heart away!

Uneasiness is of another sort: it is heavy without seeking to be pitied, and its tone is grave and uniform.

When in unhallow'd nuptials Helen gave
Her hand to Paris; then my nine months' freight
Was near completed; then the queen of Priam
Gave to the world her darling Polydore.

CHAP. LIX.

But all these emotions ought to be followed with a gesture, not theatrical and expressing words only, but explaining the whole matter and sentiment by an emphasis, and not a gesticulation; in a strong, manly tone, not borrowed from plays and farces, but from the camp, and even the school of arts. The hand ought not to saw the air, and the motion of fingers ought to follow, and not express the words; the arm ought to be in an advanced posture, as if brandishing the bolt of eloquence; and the stamping the foot ought to take place, either in the beginning or the end of a dispute; but all depends upon the face, and all the power of the face is centered in the eyes. This our old men are the best judges of; for they were not lavish of their applause, even to a Roscius when he was in a mask. All action depends upon the passions, of which the face is the picture, and the eyes the interpreters. For this is the only part of the body that is expressive of all the passions; nor can any one who looks another way create the same emotions. Theophrastus used to call one Tauriscus, who stood with his back to the audience when he was repeating his part, a *backward* player, therefore a great deal consists in the right management of the eyes, for the features of the face ought not to be altered too much, for fear of falling into littleness or impropriety. It is by the steadfastness, by the abashment of the eye, by a downcast or a cheerful look, that we express the emotions of the passions, and accommodate what we say to what we feel. Action is, as it were, the language of the body, and therefore ought to correspond to the thought. For nature, as she has supplied the horse and the lion with a mane, a tail, and ears, to express the emotions of their several passions, has endowed the eyes of mankind with the same properties. Therefore in the action of an orator, the look takes place next to the voice, for the eyes direct the features. But nature has given a particular force to all the properties of action; therefore we see it has the greatest effect upon the ignorant, the vulgar, and even barbarians themselves. Words

affect none but him who understands them; and sentiments, though they may be pointed, yet often escape a discernment that is not quick. But an action which is expressive of the passions of the mind is a language understood by all the world; for the same expressions have the same effects through all, and all mankind knows them in others by the same characters in which he expresses them himself.

CHAP. LX.

But as to the advantages and excellency of action, the chief and most desirable lies in a good voice. If you have not a good voice, whatever nature has given ought to be cherished. I shall not pretend here to point out in what manner the voice is improved; but I think it of great importance that it should be improved. But the train of my discourse seems to lead me into the observation I made a little while ago, that what is most useful is most becoming; I know not how this happens, but it is certain that in speaking nothing tends more to acquire an agreeable voice than frequently to relieve it, by passing from one strain to another, and nothing tends more to destroy it than a continued violent straining. What gives greater pleasure to our ears, and more delight to action, than a well-judged vicissitude, variety, and changing? Therefore, Catulus, you might have heard from Licinius, who is your client, a man of learning, and the secretary of Gracchus, that Gracchus made use of an ivory flute, which a man who stood privately behind him, while he was speaking, touched so skilfully, that he immediately struck the proper note, when he wanted either to quicken or to soften the vehemence of his voice. I have heard him tell it, replied Catulus, and have often been in love with the application, the learning and the knowledge of the man; for my part, says Crassus, I am grieved at the political miscarriages of those great personages, and yet I see the same game renewed, the same dissolute manners advancing on the state, to convince posterity that we desire to encourage citizens in crimes which were intolerable to our forefathers.

Prithee, Crassus, says Julius, leave these reflections, and return to Gracchus's flute, the nature of which I do not yet thoroughly understand.

CHAP. LXI.

In every modulation of voice, replied Crassus, there is a mean peculiar to itself. The gradual rising of the notes from this base is both useful and delightful, but to set out with bawling has something in it very clownish, and is as hurtful to the voice as the other method is salutary. In short, there is a certain straining to which the flute will not suffer you to rise, but bring you down to the proper note; and there is somewhat in the lowering the voice, which on the other hand is very heavy, but must sink through all the several degrees of the scale. This variety, and this progression through all the tones, will both preserve the voice, and give a sweetness to the action. As to the flute you may leave it at home, but the meaning of the practice you ought to carry to the bar.

I have, according as the shortness of the time would allow, to the best of my abilities, which fall short of my inclination to serve you, delivered myself on this subject: for it is a pretty fetch to lay the blame on time when we can say no more. For my part, replies Catulus, your discourse has been so divinely comprehensive, that so far as I can judge, you seem not to have been the scholar of the Greeks, but capable of being their teacher, and I rejoice that I am one of this company. I only wish your companion, and my son-in-law Hortensius had been of the party. I hope that one day he will be master of all those charms of eloquence you have so well described. *He will be*, answers Crassus, give me leave to say he *is so* already; and I thought so when he pleaded the cause of the Africans in the senate while I was consul; and my good opinion of him was increased by his late pleading in favour of the king of Bithynia. Therefore, Catulus, you foresee aright, for I am of opinion that nothing that either genius or learning can communicate, is wanting in that young gentleman. This, Cotta and Sulpicius,

ought to render you the more vigilant and active, since before he has reached your age he has shewn himself an extraordinary orator; his parts are quick, his application indefatigable, his learning eminent, and his memory excellent. I love him very much, and wish that he may make the greatest figure of any for his age, but it will not look well if he should out-do you who are so much older than he. However, concludes he, let us arise and consult our own health, by relaxing our minds and spirits from the severity of this discourse.

THE END.

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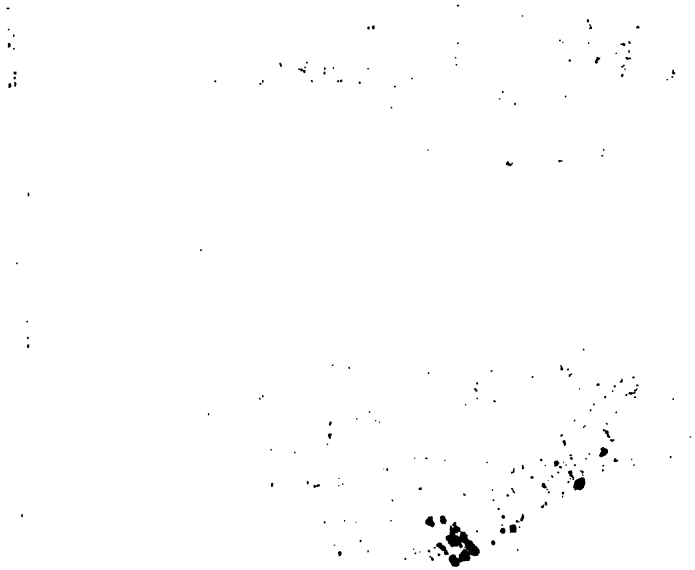

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